

4-310. Order of dismissal for failure to prosecute.

[For use with Rule 2-305 NMRA]

STATE OF NEW MEXICO
IN THE _____ COURT
_____ COUNTY

_____, Plaintiff,

v.

No. _____

_____, Defendant.

**ORDER OF DISMISSAL
FOR FAILURE TO PROSECUTE**

The [plaintiff] [defendant asserting a counterclaim] failed for six (6) months from the date the complaint was filed to take any available steps to take this case to trial or otherwise prosecute the claims. On _____ (*date*), the court filed and served a thirty (30)-day notice of intent to dismiss for failure to prosecute. The [plaintiff] [defendant asserting a counterclaim] failed to take any available steps to bring the case to trial or otherwise prosecute the claims within thirty (30) days after service of the notice.

IT IS ORDERED that the [plaintiff's claims] [defendant's counterclaims] are dismissed without prejudice for failure to prosecute.

Judge

[Adopted by Supreme Court Order No. 16-8300-021, effective for all cases pending or filed on or after December 31, 2016.]