

**STEINMETZ V. PUBLIC DEFENDER**

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**BRYAN JAMES STEINMETZ,**

Plaintiff-Appellant,

v.

**STATE OF NEW MEXICO PUBLIC DEFENDERS OFFICE; and  
HUGH DANGLER, in his official capacity as Chief Public Defender, and  
individually; and**

**T. DAVID EISENBERG, in his official capacity as Chief Public Defender, and  
individually; and**

**RALPH ODENWALD, in his official capacity as Chief Public Defender, and  
individually; and**

**TROY W. PRICHARD, in his official capacity as Chief Public Defender, and  
individually; and**

**MICHAEL L. ROSENFELD, in his official capacity as Chief Public Defender, and  
individually,  
Defendants-Appellees.**

NO. 31,746

COURT OF APPEALS OF NEW MEXICO

April 24, 2012

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Nan G. Nash,  
District Judge

**COUNSEL**

Bryan James Steinmetz, Albuquerque, NM, Pro Se Appellant

Miller Stratvert PA, Paula G. Maynes, Luke A. Salganek, Santa Fe, NM, for Appellees

**JUDGES**

MICHAEL E. VIGIL, Judge. WE CONCUR: LINDA M. VANZI, Judge, J. MILES  
HANISEE, Judge

**AUTHOR: MICHAEL E. VIGIL**

**MEMORANDUM OPINION**

**VIGIL, Judge.**

Plaintiff is appealing, pro se, from a district court order granting Defendants' motion to dismiss Plaintiff's complaint. We issued a calendar notice proposing to affirm. Plaintiff has filed a memorandum in opposition. We affirm.

On appeal, Plaintiff has challenged Defendants' compliance with certain time requirements, most notably the time to file an answer to the complaint. [DS 15] However, as our calendar notice indicated, Defendants had removed the case to federal court, and had filed an answer in that forum. [RP 138] *See State ex rel. Vill. of Los Ranchos de Albuquerque v. City of Albuquerque*, 119 N.M. 169, 172, 889 P.2d 204, 207 (Ct. App. 1993) (stating that "[i]t is generally recognized that pleadings filed in federal court, while the federal court has jurisdiction, become part of the state court record on remand"). To the extent that the state district court overlooked any late filings while the action was in state court, either before or after removal, we believe that the district court did not err, because Defendants were immune from suit. *See* NMSA 1978, § 31-16-10 (1968) (providing that "[n]o attorney assigned or contracted with to perform services under the Indigent Defense Act [31-16-1 NMSA 1978] shall be held liable in any civil action respecting his performance or nonperformance of such services"). As such, Defendants were not even required to file an answer, and appropriately had the case dismissed on Defendants' Rule 1-012(B)(6) NMRA motions. Accordingly, we affirm.

**IT IS SO ORDERED.**

**MICHAEL E. VIGIL, Judge**

**WE CONCUR:**

**LINDA M. VANZI, Judge**

**J. MILES HANISEE, Judge**