

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CELIA VALDEZ, GRACIELA GRAJEDA,
ROANNA BEGAY, JESSE RODRIGUEZ,
and ASSOCIATION OF COMMUNITY
ORGANIZATIONS FOR REFORM NOW, for
themselves and all other persons similarly
situated,

Plaintiffs,

v.

MARY HERRERA, in her official capacity as
New Mexico Secretary of State, PAMELA S.
HYDE in her official capacity as Secretary of
New Mexico Human Services Department,
FRED SANDOVAL in his official capacity as
the Director of the Income Support Division of
the New Mexico Human Services Department,
CAROLYN INGRAM in her capacity as the
Director of the Medical Assistance Division of
the New Mexico Human Services Department,
RICK HOMANS in his capacity as the
Secretary of the New Mexico Taxation and
Revenue Department, and MICHAEL
SANDOVAL, in his capacity as the Director of
the Motor Vehicle Division of the New Mexico
Taxation and Revenue Department,

Defendants.

CIVIL ACTION NO. 1:09-cv-668 JCH/DJS

MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, Plaintiffs Celia Valdez, Graciela Grajeda, Roanna Begay, Jesse Rodriguez, and the Association of Community Organizations for Reform Now (collectively, "Plaintiffs") hereby request leave of this Court to file their First Amended Complaint. Plaintiffs move to amend their original Complaint, filed on

July 9, 2009, to add class action allegations; to clarify the claims under the National Voter Registration Act of 1993 (“NVRA”), 42 U.S.C. § 1973gg-3 (“Section 5”); and to substitute Shawna Allers for existing Plaintiff Roanna Begay to bring the claim dealing with the NVRA Section 7 and the New Mexico Human Services Department.

In accordance with Local Rule 15.1, a copy of Plaintiffs’ proposed First Amended Complaint is attached hereto as **Exhibit A**. Amendment should be permitted here because this case is at an early stage, Plaintiffs are acting in good faith and have not delayed in seeking the amendment, and Defendants will not be prejudiced by allowing Plaintiffs to amend. Plaintiffs have determined that the addition of class claims, clarification of a claim made under Section 5 of the NVRA, and substitution of one named Plaintiff will assist in a final adjudication of Defendants’ on-going violations of the NVRA. This Motion is supported by the accompanying Memorandum of Points and Authorities.

Counsel for Defendants oppose this motion.

Respectfully submitted,.

/s/_____

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CERTIFICATE OF SERVICE

I CERTIFY that on the 2nd day of October, 2009, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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