

ENDORSED COPY

**THIRD JUDICIAL DISTRICT COURT
COUNTY OF DOÑA ANA
STATE OF NEW MEXICO**

FILED

2015 DEC -8 PM 3:50

DISTRICT COURT
DOÑA ANA COUNTY, NM
JAN 10 2016 10:11 AM

**BOARD OF COUNTY COMMISSIONERS
OF DOÑA ANA COUNTY,**

Petitioner,

vs.

**No.: CV-2015-02534
Judge: Manuel I. Arrieta**

**ENRIQUE VIGIL,
Doña Ana County Sheriff,
In his official capacity,**

Respondent.

TEMPORARY ORDER GRANTING IMMEDIATE EQUITABLE RELIEF

THIS MATTER HAVING COME BEFORE THE COURT on Petitioner's request for declaratory judgment and temporary restraining order, the Court being advised in the premises, hereby **FINDS:**

1. The Court has jurisdiction over the parties and the subject matter in this action.
2. Pursuant to NMSA 1978 §33-3-1, the Board of County Commissioners of Doña Ana County has properly exercised its authority to remove the administration of the Doña Ana Detention Center from the Doña Ana Sheriff and hired a jail administrator to operate the jail with the assistance of trained staff organized under the County Manager and independent from the sheriff.
3. The County Manager is the chief executive officer of Doña Ana County.
4. Sheriff Vigil is without any legal authority to issue an Executive Order pertaining to the operation of the Doña Ana County Detention Center, *which would interfere with the administrative functions of the County.*

MCN

5. The Board is likely to prevail on the merits of its Petition, and immediate equitable relief is appropriate.

6. This Temporary Restraining Order requires no security because of the nature of the action and the governmental entities involved.

IT IS THEREFORE ORDERED that Respondent and members of the Doña Ana County Sheriff's Department shall return control of the Doña Ana County Detention Center to County management, vacate the premises immediately, and cease and desist in engaging in any conduct that may tend to challenge or undermine the authority of County management, under the

supervision of County manager, to control and operate that facility. *THE SHERIFF'S OFFICE MAY BE ON THE PREMISES TO CONDUCT CRIMINAL INVESTIGATIONS, INTERVIEW WITNESSES, SECURE EVIDENCE HEARING RELATING TO THE INVESTIGATION OF C. BARELA, TRANSPORT PRISONERS AND SIMILAR AUTHORIZED DUTIES OF THE SHERIFF'S DEPARTMENT.*

IT IS FURTHER ORDERED that the parties shall appear in the Third Judicial Court, Room

3, at 201 W. Picacho, Las Cruces, NM 88005 before Judge Manuel Arrieta

(judge), at 4:00 (a.m. ~~(p.m.)~~) on Friday, Dec 18, 2015 (date) for hearing on


whether an extended restraining order will be issued. Either party may bring witnesses or evidence and may be represented by counsel at this hearing. If the Respondent fails to attend this hearing, an extended order may be entered by default against respondent and a bench warrant may be issued for Respondent's arrest. If Petitioner willfully fails to appear at this hearing, the petition may be dismissed.

ENFORCEMENT OF ORDER

If the Respondent violates any part of this order, the Respondent may be charged with a crime, arrested, held in contempt of court, fined or jailed.

ATTEST: CERTIFIED AS A TRUE AND CORRECT COPY
OF THE ORIGINAL FILE IN THIS OFFICE ON
December 8, 2015 (Date)

DISTRICT COURT CLERK
Dated 12-8-15 By M. Rodriguez Deputy



District Judge