

STATE OF NEW MEXICO
SECOND JUDICIAL DISTRICT
COUNTY OF BERNALILLO

DUKE RODRIGUEZ, STEVE LANIER, in his
official capacity as STATE SENATOR,
and ZACHARY ANAYA,

Petitioners,

Case No. D-202-CV-2026-3721

v.

ELIZABETH GROGINSKY, in her
official capacity as SECRETARY of the
NEW MEXICO EARLY CHILDHOOD
EDUCATION AND CARE DEPARTMENT,

Respondent,

and

MICHELLE LUJAN GRISHAM in her official
capacity as GOVERNOR of the STATE OF
NEW MEXICO,

Real Party in Interest,

and,

RICK HENDRICKS, in his official capacity as
STATE RECORDS ADMINISTRATOR,

Real Party in Interest.

ALTERNATIVE WRIT OF MANDAMUS

TO: Respondent Elizabeth Groginsky
Secretary, New Mexico Early Childhood Education
and Care Department
1120 Paseo De Peralta
Santa Fe, NM 87501

Real Party in Interest Hon. Michelle Lujan Grisham
Governor, State of New Mexico
490 Old Santa Fe Trail #400
Santa Fe, NM 87501

Real Party in Interest Rich Hendricks
State Records Administrator
New Mexico State Records and Archives
1205 Camino Carlos Rey,
Santa Fe, New Mexico 87507

IN THE NAME OF THE STATE OF NEW MEXICO, GREETINGS: This matter has come before the Court upon a *Verified Application for Peremptory or Alternative Writ of Mandamus* by Petitioners Duke Rodriguez, Steve Lanier, and Zachary Anaya to prohibit Respondent Groginsky from taking any further action to enforce administrative rules changes enacted on November 4, 2025 to 8.9.3.9 (H) NMAC, 8.9.3.10 (D) NMAC, 8.9.3.11 (C)(4) NMAC, 8.9.3.11 (E) NMAC, and 8.9.3.13 (E) NMAC.

Having reviewed the *Verified Application*, the Court determines that an *Alternative Writ of Mandamus* shall issue. Respondent Groginsky and the New Mexico Early Childhood Education and Care Department allegedly enacted these rule changes without legislative authorization and without the necessary appropriation to cover the new financial obligations on the State budget imposed by the child care assistance benefit they created by rule.

THE COURT THEREFORE GRANTS PETITIONERS' VERIFIED APPLICATION FOR AN ALTERNATIVE WRIT OF MANDAMUS AND IN THE NAME OF THE STATE OF NEW MEXICO ORDERS THAT:

- 1) Respondent Groginsky is hereby ordered to immediately cease from any further enforcement of 8.9.3.9 (H) NMAC, 8.9.3.10 (D) NMAC, 8.9.3.11 (C)(4) NMAC, 8.9.3.11 (E) NMAC, and 8.9.3.13 (E) NMAC; and
- 2) Real Party in Interest Hendricks is also commanded to remove these rules from the New Mexico Administrative Code; **OR**

3) Respondent shall file an Answer, pursuant to NMSA 1978, § 44-2-9, to this Alternative Writ and show cause why she and Real Party in Interest Hendricks should not be compelled to comply with 1) and 2) above.

IT IS FURTHER ORDERED THAT:

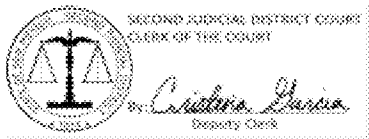
4) Petitioners shall, within five (5) business days of the issuance of this Alternative Writ, cause a copy of this Alternative Writ to be served upon Respondent and the Real Parties in Interest pursuant to Rule 1-004 NMRA. Petitioners shall file a Certificate confirming their compliance with this directive within seven (7) business days.

5) If Respondent chooses to show cause rather than comply with the commands of Sections 1) and 2) above, Respondent shall file their Answer to this Writ within thirty (30) calendar days after being served with this Alternative Writ and shall appear before the Court as follows:

Date: **June 11, 2026**
Time: **1:30 p.m.**
Duration: **1 hour**
Location: **400 Lomas NW, #516**

Respondent is directed to notify the Court immediately if Respondent takes action sufficient under the terms of this Alternative Writ to render the hearing unnecessary.

Katina Watson



Cristina Garcia

4/28/2026

IT IS SO ORDERED.



ELAINE P. LUJAN
DISTRICT COURT JUDGE

Endorsed copies provided through E-File & Serve to those listed on attached sheet.

Endorsed copies provided to:

CANDELARIA LAW LLC

Jacob R. Candelaria

Attorney and Counselor at Law

Mailing Address:

PO Box 27437

Albuquerque, New Mexico 87125