

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

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

MAY 09 2025



**CARLOS MATURIN,**  
Plaintiff,  
vs.

**MITCHELL R. ELFERS**  
CLERK

Case No. **25 cv 444 MIS/JHR**

**GOVERNOR MICHELLE LUJAN GRISHAM**, in her official capacity,  
**MAYOR TIM KELLER**, in his official capacity  
**CHIEF HAROLD MEDINA**, in his official capacity,  
**BRIGADIER GENERAL MIGUEL AGUILAR**, Adjutant General of the New Mexico  
National Guard, in his official capacity,  
**CITY OF ALBUQUERQUE**, a municipal government entity,  
Defendants.

**VERIFIED COMPLAINT FOR DECLARATORY RELIEF, TEMPORARY  
RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTIVE  
RELIEF, AND DAMAGES FOR CONSTITUTIONAL VIOLATIONS ARISING  
FROM UNLAWFUL DOMESTIC MILITARY DEPLOYMENT UNDER COLOR  
OF STATE AUTHORITY**

**INTRODUCTION**

1. Plaintiff **CARLOS MATURIN**, by and through this Verified Complaint under 42 U.S.C. § 1983, respectfully challenges a rapidly unfolding constitutional violation: the executive deployment of New Mexico National Guard troops into the civilian interior of Albuquerque for law enforcement-adjacent functions—including drone surveillance, crime scene security, and custodial transport support—without legislative authorization, judicial review, or public transparency.
2. Defendants have publicly confirmed that 71 Guard members, including 11–12 trained drone operators, are scheduled to commence deployment beginning **this weekend**, and that the full force will be operational in the city by **Memorial Day weekend**. These military personnel are **not POST (Peace Officer Standards and Training)**-certified, not sworn officers, and not subject to the constitutional protocols that govern law enforcement interactions with civilians. Nonetheless, they are being tasked to

supplement, replace, and augment the Albuquerque Police Department in real-time operational functions.

3. This is not support. It is substitution.
4. And it is being imposed on the “Central Corridor”—a majority-minority, economically disenfranchised sector of Albuquerque—without city council approval, without judicial findings, and without any formal declaration of riot, insurrection, or civil rebellion.
5. This Complaint invokes the full protections of the **First, Fourth, Fifth, and Fourteenth Amendments**, as well as **18 U.S.C. § 1385** (Posse Comitatus), to prevent imminent, unconstitutional injury to the rights of the Plaintiff and similarly situated civilians.

### **JURISDICTION AND VENUE**

**Jurisdiction** is proper under the following federal authorities:

6. **28 U.S.C. § 1331**, as this action arises under the Constitution and laws of the United States, including the **First, Fourth, Fifth, and Fourteenth Amendments**;
7. **28 U.S.C. § 1343(a)(3)**, as this action seeks to redress the deprivation of constitutional rights under color of state law;
8. **42 U.S.C. § 1983**, as Plaintiff brings civil rights claims against state and municipal actors for ongoing violations of constitutionally protected liberties;
9. This Court is further authorized to issue injunctive and declaratory relief under **28 U.S.C. §§ 2201–2202**.
10. Plaintiff seeks immediate judicial intervention to halt an unconstitutional domestic military deployment by state officials that infringes on fundamental liberties, including freedom of speech, protection from warrantless surveillance, and the procedural guarantees of due process and equal protection.

### **Venue**

11. **Venue** is proper in the United States District Court for the District of New Mexico pursuant to **28 U.S.C. § 1391(b)(1)–(2)** because all events, omissions, and resulting constitutional injuries giving rise to this action occurred within **Bernalillo County**, New Mexico—a political subdivision wholly within this judicial district. All Defendants reside in, perform official duties in, or executed the challenged actions within this District at all times relevant to the claims asserted herein.

### **PARTIES**

#### **Plaintiff:**

12. Plaintiff Carlos Maturin is a resident of Bernalillo County, New Mexico and a civic advocate impacted by the unconstitutional deployment of military forces into his community.

#### **Defendants:**

13. Defendant Michelle Lujan Grisham is the Governor of New Mexico. She authorized the deployment under color of state law.

14. Defendant Tim Keller is the Mayor of Albuquerque and a coordinating official for the deployment.

15. Defendant Harold Medina is the Chief of APD and publicly requested National Guard support.

16. Defendant Brigadier General Miguel Aguilar is the Adjutant General of the New Mexico National Guard and operational lead for this deployment.

17. Defendant City of Albuquerque is the municipal entity responsible for executing law enforcement and civil administration within the jurisdiction of deployment.

### **Count I: First Amendment (42 U.S.C. § 1983)**

18. Deployment of military forces in surveillant and enforcement-adjacent roles has a

documented chilling effect on speech, protest, and assembly—particularly in historically over-policed communities.

**Count II:  
Fourth Amendment  
(42 U.S.C. § 1983)**

19. Warrantless aerial surveillance and perimeter enforcement by non-certified, non-sworn military actors constitutes an unreasonable search and seizure.

**Count III:  
Fifth & Fourteenth Amendments  
Procedural Due Process**

20. No notice was issued. No hearing was held. No legislative vote occurred. This is executive action undertaken in the constitutional dark.

**Count IV:  
Equal Protection  
Fourteenth Amendment**

21. Deployment focused exclusively on a racialized, economically distressed corridor without race-neutral data or citywide parity.

**Count V:  
Violation of Posse Comitatus Principle  
18 U.S.C. § 1385**

22. Defendants are fusing state military personnel with civilian enforcement operations in absence of congressional or constitutional authorization—precisely what the Posse Comitatus doctrine forbids.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Carlos Maturin respectfully requests that this Court:

23. Issue a **Temporary Restraining Order** prohibiting Defendants from initiating or continuing any deployment of National Guard troops into law enforcement-adjacent functions.

24. Schedule an expedited **Preliminary Injunction Hearing** pursuant to Rule 65(b)(3).
25. Declare the military deployment unconstitutional, unlawful, and void *ab initio*.
26. Award **nominal and compensatory damages** under 42 U.S.C. § 1983.
27. Mandate **disclosure of all interagency deployment communications**, drone operation logs, training curricula, and related records.
28. Impose a **post-injunction monitoring regime**, including sworn biweekly updates, certification of de-escalation, and full public transparency.
29. Award attorneys' fees and costs under 42 U.S.C. § 1988.
30. Grant such other and further relief as this Court deems just, proper, and constitutionally necessary.

#### **VERIFICATION**

I, Carlos Maturin, declare under penalty of perjury under the laws of the United States, pursuant to 28 U.S.C. § 1746, that the foregoing Verified Complaint and accompanying Motion for Temporary Restraining Order are true and correct to the best of my knowledge, information, and belief, based on personal experience, documentation, and publicly available admissions by state actors.

This filing is made in good faith and in compliance with Fed. R. Civ. P. 11(b). I affirm that all claims asserted herein are warranted by existing law or by a nonfrivolous argument for its extension, modification, or reversal. The urgency of this matter and the immediate threat of constitutional injury necessitate expedited judicial review.

Respectfully submitted,

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Phone: (505-930-3495)  
*Pro Se Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 9, 2025, a true and correct copy of the foregoing Plaintiff's Verified Complaint For Declaratory Relief, Temporary Restraining Order, Preliminary And Permanent Injunctive Relief, And Damages For Constitutional Violations Arising From Unlawful Domestic Military Deployment Under Color State Of Authority was served via CM/ECF on Counsel for Defendants and all parties.

/s/ Carlos Maturin  
*Pro Se Plaintiff*