

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

SAMUEL ORTEGA and REBECCA SCOTT,

Plaintiffs,

v.

No. CIV 24-0471 JB/SCY

MICHELLE LUJAN GRISHAM, in her official capacity as Governor of the State of New Mexico, and RAÚL TORREZ, in his official capacity as Attorney General of the State of New Mexico,

Defendants.

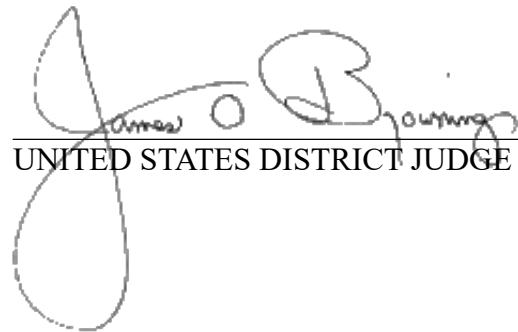
PRELIMINARY INJUNCTION ORDER

Having considered the Tenth Circuit’s opinion and judgment in the above-referenced appeal (Doc. Nos. 91-92), as well as the arguments of the parties, the Court ORDERS as follows:

1. The Defendants—the Governor of the State of New Mexico, and the Attorney General of the State of New Mexico—and each of their respective officers, agents, servants, and employees, and those persons in active concert or participation with them, as well as those duly sworn state law enforcement officers who gain knowledge of this injunction order—are hereby **ENJOINED** from implementing and/or enforcing against Plaintiff Samuel Ortega and Plaintiff Rebecca Scott the provisions of N.M. Stat. § 30-7-7.3 (The Waiting Period Act), which the United States Court of Appeals for the Tenth Circuit has determined to be unconstitutional as it pertains to individuals who have passed a background check.
2. This injunctive relief shall take effect immediately and remain in effect pending the conclusion and final disposition of all claims and causes of action before the Court in these proceedings.

3. The Court further ORDERS that on or before February 20, 2026, Defendants shall send Notice of this Preliminary Injunction Order to the New Mexico Department of Public Safety, which shall post the Notice on its website. The Notice must include a copy of this Preliminary Injunction Order. Defendants shall file with the Clerk of the Court a certification that the aforementioned Notice has been achieved on or before February 23, 2026.
4. No security bond is required under Federal Rule of Civil Procedure 65(c).

SO ORDERED this 9th day of February 2026.



UNITED STATES DISTRICT JUDGE