

# PETITION FOR JUDICIAL REVIEW - PROJECT JUPITER

IN THE THIRD JUDICIAL DISTRICT COURT COUNTY OF DOÑA ANA, STATE OF NEW  
MEXICO

**DERRICK PACHECO, Petitioner, v. BOARD OF COUNTY COMMISSIONERS OF DOÑA  
ANA COUNTY,**  
*Respondent.*

No. D-307-CV-2025-2264

**Casey B. Fitch**

**PETITION FOR JUDICIAL REVIEW** (pursuant to Rule 1-074 NMRA)

## **I. PARTIES**

1. Petitioner, [Your Full Name], is a resident, taxpayer, and aggrieved party within the meaning of Rule 1-074 NMRA and the Doña Ana County Unified Development Code §350-203(B)(6).

2. Respondent, the Board of County Commissioners of Doña Ana County ("BOCC"), is the governing body that issued the final decision challenged herein.

## **II. JURISDICTION AND VENUE**

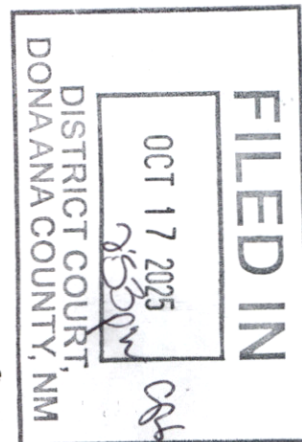
3. This Court has jurisdiction under Rule 1-074 NMRA because the BOCC's approval of Industrial Revenue Bonds (IRBs) for Project Jupiter on September 19 2025 constitutes a final administrative decision affecting Petitioner's substantial rights.

4. Venue is proper in Doña Ana County because the decision and the project site are located within this county.

## **III. TIMELINESS OF APPEAL**

5. The BOCC approved the IRB ordinance on September 19, 2025. The final decision was entered into the County record no later than that date.

6. This petition is filed within  
thirty (30) days after entry of that decision, as required by Rule 1-074 NMRA.



#### **IV. FACTUAL BACKGROUND**

7. On September 19, 2025, the BOCC approved an Industrial Revenue Bond package for a data-center project known as Project Jupiter, sponsored by Santa Teresa Land LLC and Border Plex Digital.

8. At the time of approval, the project had not yet received zoning entitlement from the Planning and Zoning Commission or final land-use authorization under Case No. Z25-016 (heard October 9, 2025).

9. By financially endorsing the project before completion of the zoning process, the BOCC and County staff demonstrated predetermination and bias, thereby tainting the subsequent quasi-judicial proceedings.

10. Petitioner and other members of the public were denied a fair and impartial hearing as required by the New Mexico Governmental Conduct Act (§10-16-3 NMSA 1978) and by *Miller v. City of Albuquerque*, 1974-NMSC-065.

#### **V. GROUNDS FOR REVIEW**

11. The BOCC decision was arbitrary, capricious, an abuse of discretion, and not supported by substantial evidence, because: a. The County granted financial approval (issuance of IRBs) before land-use entitlement existed; b. The action was based on incomplete and speculative record evidence rather than properly adopted findings; c. The sequence of actions created a reasonable appearance of impropriety and violated the requirement of impartial decision-making in quasi-judicial proceedings; and d. The decision contradicted the intent and procedures of the Doña Ana County Unified Development Code and the New Mexico Governmental Conduct Act.

#### **VI. RELIEF REQUESTED**

Petitioner respectfully asks this Court to:

1. Accept jurisdiction under Rule 1-074 NMRA;
2. Order the County to produce the complete administrative record of the September 19, 2025 IRB approval;
3. Review the decision for procedural and substantive defects;
4. Reverse, vacate,

or remand the BOCC's IRB approval for further proceedings consistent with law; and

5. Grant such other and further relief as the Court deems just and proper.

#### **VII. CERTIFICATE OF SERVICE**

*I hereby certify that a copy of this Petition was served on Friday, October 17th, 2025, by hand delivery upon:*

- Doña Ana County Attorney's Office, 845 N. Motel Blvd., Las Cruces, NM 88007; and
- Doña Ana County Clerk, same address.

*Respectfully submitted,*



Derrick Pacheco  
401 N Mesilla Street  
Las Cruces, NM 88005  
[thedoublestrikestudios@gmail.com](mailto:thedoublestrikestudios@gmail.com)  
575-725-4638