

State of New Mexico
County of Santa Fe
First Judicial District Court

JIHUA KAN, Et AL, Plaintiff

vs.

IRVING REA LIN, aka, IRVING
REA-YULLIN, and Et. AL,
Dependents

case NO. D-101-cv-2023-02377

case assigned to Sanchez-Gagne Maria

Comes now the defendant, Dineh Benally in Pro Se, and respectfully timely files his answer to the Plaintiff's civil complaint and states as follows, to wit:

Defendant Pro Se Pleadings:

The Defendant respectfully asserts that he has a constitutional and state rights to file a Pro Se answer and pleadings to a complaint against him thus to represent himself.

Defendant's Answer to Complains

II. Defendant will not deny nor admit to paragraph to 14 through 19 of Plaintiffs' allegations and complaints as Defendant Benally has no knowledge of their residence and birthplace.

III. Defendant will deny and repudiate parts of paragraph 20 through 37 of Plaintiffs' complaint, in that defendant has no limited knowledge of the allegations.

IV. Defendant denies and repudiates the allegations of paragraph 38, 42, 44, 46, 48, 49, 50, 51, 52.

V. AFFIRMATIVE DEFENCE OF DEFENDANT BENALLY DISTRICT COURT LACKED JURISDISTION

The Defendant asserts that the state District Court lacked subject matter and personal matter jurisdiction over the above-entitled matter of disputes, because all matters and allegations, and farms and related properties tip mentioned herein all in Navajo Nation.

The allegations and alleged farms are all located within the territorial jurisdiction of the Navajo Nation therefore, Defendant Benally complaint against him and being mentioned as defendant should be dismissed, with prejudice, and for lack of personal and subject matter jurisdiction.

VI. Defendant will not deny or admit to paragraph 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68 because defendant lacked sufficient information.

VII. Jurisdiction and Venue

Defendant Benally denies and repudiates paragraph No. 69 of the complaint in that the defendant asserts that this court lacked subject matter and personal jurisdiction ones the case and personal jurisdiction of defendant.

VIII. Defendant denies and repudiates paragraph 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 95, 96, 97, 98, 99, 101.

IX. Defendant will not deny nor admit the remaining paragraphs through 332 and will repudiates parts of the allegations of paragraphs.

XX. IMPROPER AND INSUFFICIENT SERVICE OF CIVIL SUMMON AND COMPLANTS.

Defendant asserts that he was not properly and sufficiently served with civil summons and the complaint as required by court rule in violation of due process of the law. Defendant was not served within the jurisdiction of state of New Mexico, as required therefore the summons and compliant against Defendant should be dismissed.

CONCLUSION AND PRAYER FOR REUSE

Wherefore, Defendant prays this Honorable court to accept the answer filed, and to dismiss the Plaintiffs' complaint against him be dismissed for lack of jurisdiction and for such further relief as the court may deem justice and proper in the matter.

Respectfully submitted on the 5th Day of January 2024.

Verification

I, hereby verify the above answers are true and correct to the best of my knowledge.

Dineh Benally

Dineh Benally, Defendant in Prose

Certificate of Service

I hereby certify that the foregoing answer to Plaintiffs' complaint and contents thereof was sed, to opposing counsel, Ray M. Vargas, at Vargas Law Firm, LLC, 807 Silver Ave, SW, Albuquerque NM 87102.

By: Dineh Benally

Dineh Benally, Defendant