



THE AMPARO PROCEEDING

ADJUDGED MATTER

The adjudged matter, (in Latin Res Judicata), is the effect that a pre-existing judgment relating to the same subject matter has on a [subsequent] proceeding. A judgment is final when at law there are no bases for challenge that would permit a modification [of that judgment]. This result is translated in respect and subordination as to what was decided regarding the same subject matter, in a previous judgment [opinion]. For this reason it is also defined as the rationale that the law gives to the results of the process.

In the Amparo Proceeding, [the adjudged matter] does not apply when it relates to different persons, because the judgments entered in amparo proceedings are only concerned with the particular individuals, or moral persons [entities or organizations], private or official, that requested [said proceedings], [such proceedings] limiting themselves to providing relief and protecting [those persons], which if it proceeds, would limit itself to the specific case on which each complaint is based.

Hence, if it is a question of different persons, these [persons] would have the possibility and capacity to seek the protection of the amparo, since this [proceeding] can be promoted by the physical or moral person affected by the claimed act, even when it concerns the same act that previously had been claimed by another person.

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The new plaintiff will have such a characteristic because he is the owner [holder] of a subjective right or of a legitimate individual or collective interest, since the claimed act violates his [her] rights provided for in the Federal Constitution, and as such, there results a real and actual [tangible] effect in that person's legal sphere [standing].

[An amparo proceeding] could be promoted jointly by two or more plaintiffs, even when the injury is caused by different acts, if these acts cause a common prejudice or originate from the same authorities.

COMPETENCE AND TURN AT ROTATION

The turn at rotation simply constitutes a way of dividing up the files among the different tribunals of a Circuit or District Courts of same its circumscribed jurisdiction territory be it on the basis of subject matter or grade, based on principles of equity and proportionality as to workload and Access to justice, in accordance with the provisions issued by the Federal Judicial Council. Accordingly; the automated docketing system installed in the intake offices for common filings is purely an administrative tool, not linked with any decision making activity of the various judicial bodies. The district Courts and the unitary Circuit Courts have the authority and jurisdiction to sit and hear direct amparo trials.

[TRANSLATOR'S NOTE: THIS IS A BLIND FILING DOCKETING SYSTEM]

The turn at rotation of Direct or Indirect Amparo Trials, depending on the competency of the District Court, Collegiate Tribunal and Unitary Circuit Courts, that may be filed seeking relief from an act that is administrative, jurisdictional or from preliminary inquiry, shall be assigned to that judge who already has knowledge as to the matter at issue set forth in the Amparo who may have already adjudged another amparo filed against the same acts from the same court file and responsible authority.

Attentively

Mexico City, D.F., on July 12, 2013

(Illegible Signature)

Agustin Lopez Padilla

Doctor of Law

Bibliography

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