

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MOISES GOMEZ MENDEZ,

Petitioner,

v.

PAMELA BONDI, ET AL.,

Respondent.

No. ED CV 25-3401-DOC-E

ORDER RE VOLUNTARY DISMISSAL

1 On January 13, 2026, Petitioner filed a "Motion for Dismissal, etc.," requesting
2 dismissal of the action without prejudice. The Court construes this motion as a notice of
3 voluntary dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. Rule 41(a)
4 permits a plaintiff or petitioner to dismiss an action voluntarily, without court order, by filing a
5 notice of dismissal at any time before service by an adverse party of an answer or a motion for
6 summary judgment. See Fed. R. Civ. P. 41(a); Mosely v. Trate, 2023 WL 2480571, at *1
7 (E.D. Cal. March 13, 2023) (Rule 41(a) applies to federal habeas petitioners). No adverse
8 party has filed any answer or motion for summary judgment in this action. Therefore, under
9 Rule 41(a)(1), the action is deemed dismissed by operation of law. See Commercial Space
10 Management Co. v. Boeing Co., 193 F.3d 1074, 1078 (9th Cir. 1999) ("it is beyond debate that
11 a dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are
12 left as though no action had been brought, the defendant can't complain, and the district
13 court lacks jurisdiction to do anything about it"). This dismissal is without prejudice. See Fed.
14 R. Civ. P. 41(a).

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16 Dated: January 13, 2026.

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18 
19 DAVID O. CARTER
20 UNITED STATES DISTRICT JUDGE

21 PRESENTED this 13th day
22 of January, 2026, by:

23
24 /s/
25 CHARLES F. EICK
UNITED STATES MAGISTRATE JUDGE