

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Stewart M. Artis v. Second Judicial District Court, et al.

Artis · No. No. 25-cv-365 SMD/GJF · Decided January 13, 2026

SUMMARY

The United States District Court for the District of New Mexico construed the petitioner’s notice withdrawing his filings as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). The court dismissed the amended § 2241 habeas petition without prejudice, denied pending motions as moot, denied a certificate of appealability, and directed entry of a separate judgment.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Sarah M. Davenport
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	January 13, 2026
DOCKET	No. 25-cv-365 SMD/GJF
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner voluntarily withdrew his federal habeas petition challenging pretrial detention and state criminal proceedings before respondents filed an answer or a motion for summary judgment.
STANDARD OF REVIEW	Not applicable to the voluntary dismissal; the court applied the Rule 41(a)(1)(A)(i) standard governing dismissal before service of an answer or motion for summary judgment. For the certificate of appealability, the court cited whether reasonable jurists would find the district court's assessment debatable or wrong.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Stewart M. Artis v. Second Judicial District Court, et al.

TOPICS

- federal habeas corpus
- civil procedure
- motions to dismiss

PRACTICE AREAS

- federal habeas corpus
- civil procedure

QUESTIONS PRESENTED

1. Whether Petitioner's notice withdrawing his documents and stating that he did not wish to proceed should be construed as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).
2. Whether the petition should be dismissed without prejudice when respondents had not yet filed an answer or motion for summary judgment.
3. Whether Petitioner's pending motions should be denied as moot and whether a certificate of appealability should issue.

HOLDINGS

1. A plaintiff has an absolute right to dismiss an action without prejudice by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.
2. The amended petition was voluntarily dismissed without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).
3. A certificate of appealability was denied.

KEY QUOTATIONS

“a notice of voluntary dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i) is “self-executing, i.e., it is effective at the moment the notice is filed with the clerk and no judicial approval is required.””

“Petitioner “has an absolute right to dismiss without prejudice and no action is required on the part of the court.””

FACTUAL BACKGROUND

Petitioner was incarcerated and proceeding pro se. He challenged his pretrial detention and proceedings in a state criminal case through a § 2241 petition. Before respondents filed an answer or motion for summary judgment, he stated that he had decided not to proceed and asked the court not to review the filed documents because he intended to pursue a civil-rights action under another case number.

PROCEDURAL HISTORY

Artis filed an amended petition for a writ of habeas corpus under 28 U.S.C. § 2241. Before respondents filed an answer or motion for summary judgment, he filed a notice stating that he no longer wished to proceed and intended to pursue a civil-rights case under a different case number. The court construed the notice as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i), dismissed the petition without prejudice, denied pending motions as moot, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Janssen v. Harris, 321 F.3d 998, 1000 (10th Cir. 2003)
- Marex Titanic, Inc. v. The Wrecked & Abandoned Vessel, 2 F.3d 544, 546 (4th Cir. 1993)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- DeAtley v. Williams, 782 F. App'x 736, 737 (10th Cir. 2019)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
 STEWART M. ARTIS, Petitioner, v. No. 25-cv-365 SMD/GJF SECOND JUDICIAL DISTRICT
 COURT, et al., Respondents. ORDER OF VOLUNTARY DISMISSAL This matter comes before
 the Court on Petitioner's Notice of Withdrawal of All Documents, (Doc. 11), filed January 8, 2026.
 Petitioner is incarcerated and proceeding pro se.

He challenges his pretrial detention and proceedings in a state criminal case. See (Doc. 8) (Amended Petition For a Writ of Habeas Corpus Under 28 U.S.C. § 2241). In his Notice, Petitioner states he has "decided not to go forward with this Petition," and asks the Court to not review any of the documents filed in this case because he elects to proceed with a civil rights case that is opened under a different case number.

(Doc. 11) at 1. Rule 41(a) provides, in relevant part, that "the plaintiff may dismiss an action without a court order by filing... a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). Respondents have not yet filed an answer or a motion for summary judgment and, therefore, Petitioner "has an absolute right to dismiss without prejudice and no action is required on the part of the court." Janssen v. Harris, 321 F.3d 998, 1000 (10th Cir.

2003). Indeed, a notice of voluntary dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i) is "self-executing, i.e., it is effective at the moment the notice is filed with the clerk and no judicial approval is required." *Jd.* (quoting *Marex Titanic, Inc. v. The Wrecked & Abandoned Vessel*, 2 F.3d 544, 546 (4th Cir. 1993)).

Accordingly, in light of the relief sought by Petitioner, the Court liberally construes Petitioner's Notice of Withdrawal of All Documents as a notice of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)G@). See *id.* (affirming the construction of a pro se letter requesting that a case be dismissed without prejudice as a notice of voluntary dismissal under Fed.

R. Civ. P. 41(a)(1)). The Court denies Petitioner's pending motions (Docs. 2, 3, 7, and 9) as moot. To the extent necessary, the Court will also deny a certificate of appealability (COA) under Habeas Corpus Rule 11. See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (to obtain COA, the petitioner "must demonstrate that reasonable jurists would find the district court's assessment... debatable or wrong"); *DeAtley v. Williams*, 782 F. App'x 736, 737 (10th Cir.

2019) (declining to issue a COA after district court dismissed habeas petition under Rule 41). IT IS THEREFORE ORDERED that Petitioner's Amended Petition For a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doce. 8) is voluntarily DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i); all pending motions (Docs. 2, 3, 7, and 9) are DENED as moot; a certificate of appealability is DENIED; and the Court will enter a separate Judgment disposing of this civil habeas case.

SARAH M. DAVENPORT UNITED STATES DISTRICT JUDGE