

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Alicia Marie Richards v. United States Marshal

Richards · No. CV 24-08648-SB (DFM) · Decided July 2, 2025

SUMMARY

The United States District Court for the Central District of California granted Alicia Marie Richards’s request under Federal Rule of Civil Procedure 41(a)(2) to voluntarily dismiss her habeas petition without prejudice. The court concluded that the petition was moot because Richards had been released from custody and that dismissal would not cause legal prejudice to the respondent.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Douglas F. McCormick
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 2, 2025
DOCKET	CV 24-08648-SB (DFM)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought voluntary dismissal without prejudice of her amended 28 U.S.C. § 2241 habeas petition under Federal Rule of Civil Procedure 41(a)(2) after she was released from custody.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 41(a)(2), voluntary dismissal should be granted unless the respondent can show that it will suffer plain legal prejudice.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not established in the source.
PARTIES	Alicia Marie Richards v. United States Marshal

TOPICS

- federal habeas corpus
- civil procedure
- remedies

PRACTICE AREAS

- Federal habeas corpus
- Civil procedure
- Bankruptcy

QUESTIONS PRESENTED

1. Whether the court should grant petitioner's request for voluntary dismissal without prejudice under Federal Rule of Civil Procedure 41(a)(2).
2. Whether dismissal was appropriate where petitioner was no longer in custody and the only relief sought was release from custody.

HOLDINGS

1. A request for voluntary dismissal under Rule 41(a)(2) should be granted unless the respondent can show that dismissal will cause plain legal prejudice; because no such prejudice was shown, the request was granted.
2. The habeas petition should not proceed because petitioner was no longer incarcerated, the only requested relief was release from custody, and the record showed no further benefit that could be obtained by either party.

KEY QUOTATIONS

“A request for voluntary dismissal under Rule 41(a)(2) should be granted unless the respondent “can show that it will suffer some plain legal prejudice as a result.”” (1)

“Accordingly, Petitioner’s Request for Voluntary Dismissal is GRANTED, and this case is DISMISSED without prejudice.” (2)

FACTUAL BACKGROUND

Richards's habeas petition challenged her confinement resulting from a contempt order entered in an underlying bankruptcy case. The bankruptcy court released her from the custody of the United States Marshal on June 26, 2025, and she was conditionally released from Orange County Sheriff's Department custody on June 30, 2025, leaving her no longer incarcerated. Because the only relief sought was release from custody, the court concluded that the petition was moot and that no further benefit could be obtained by proceeding.

PROCEDURAL HISTORY

Richards filed a counseled First Amended Petition for Writ of Habeas Corpus challenging confinement arising from a contempt order issued by the United States Bankruptcy Court for the Central District of California. After the bankruptcy court released her from custody and she was subsequently conditionally released from county custody, she requested voluntary dismissal; the respondent had filed a Statement of No Position.

DISPOSITION

dismissed

CASES CITED

- Smith v. Lenches, 263 F.3d 972, 975 (9th Cir. 2001)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES — GENERAL Case No. CV 24-08648-SB (DFM) Date: July 2, 2025 Title Alicia Marie Richards v. United States Marshal Present: The Honorable Douglas F. McCormick, United States Magistrate Judge Nanay Bosh | Deputy Clerk Court Reporter Attorney(s) for Plaintiff(s): Attorney(s) for Defendant(s): Not Present Not Present Proceedings: (IN CHAMBERS) Order Granting Petitioner's Request for Voluntary Dismissal □ | (Dkt.

31) On June 12, 2025, Petitioner Alicia Marie Richards filed a counseled First Amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging her confinement arising from a contempt order entered by the United States Bankruptcy Court for the Central District of California in the underlying bankruptcy case, *In re Alicia Marie Richards*, No. 21-bk-10635-SC (C.D.

Cal.) ("Bankr. Case"). See Dkt. 29 ("FAP"). Petitioner has now filed a Request for Voluntary Dismissal of her habeas petition without prejudice under Federal Rule of Civil Procedure 41(a)(2), on the basis that the claims in her FAP are now moot because she is no longer in custody. See Dkt. 31.

On June 26, 2025, the bankruptcy court issued an order releasing Petitioner from the custody of the U.S. Marshal. See Bankr. Case, Dkt. 1816. That same day, Petitioner was informed that she had an active warrant with the Orange County Sheriff's Department ("OCSD") and would be transferred to the custody of the OCSD. See Dkt. 31 at 2.

However, on June 30, 2025, Petitioner was conditionally released from the custody of the OCSD and is no longer incarcerated. See *id.* Federal Rule of Civil Procedure 41(a)(2) permits an action to be "dismissed at the [petitioner's] request only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). A request for voluntary dismissal under Rule 41(a)(2) should be granted unless the respondent "can show that it will suffer some plain legal prejudice as a result." *Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir.

2001). Here, Respondent filed a Statement of No Position in response to Petitioner's original habeas petition, see Dkt. 17, and there is no indication that it will suffer legal prejudice if the request is granted. The only relief requested by Petitioner in the FAP is her release from custody.

As described above, that has now occurred, and nothing in the record suggests that any further benefit could be obtained by either party by allowing Petitioner's habeas petition to proceed. (12/02) CIVIL MINUTES-GENERAL Initials of Deputy Clerk: nb Page 1 of 2 CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES – GENERAL Accordingly, Petitioner's Request for Voluntary Dismissal is GRANTED, and this case is DISMISSED without prejudice.

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