

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Moises Gomez Mendez v. Pamela Bondi, et al.

Gomez Mendez · No. ED CV 25-3401-DOC-E · Decided January 13, 2026

SUMMARY

The United States District Court for the Central District of California construed Petitioner Moises Gomez Mendez's motion as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a). Because no answer or motion for summary judgment had been filed, the action was dismissed by operation of law without prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	David O. Carter; Charles F. Eick
JURISDICTION	United States District Court for the Central District of California
DECIDED	January 13, 2026
DOCKET	ED CV 25-3401-DOC-E
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought voluntary dismissal without prejudice of a federal habeas action before any adverse party filed an answer or motion for summary judgment.
PRECEDENTIAL VALUE	unpublished
PARTIES	Moises Gomez Mendez v. Pamela Bondi, et al.

TOPICS

- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- federal habeas corpus

QUESTIONS PRESENTED

- Whether Petitioner's motion should be construed as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1).

2. Whether the action was dismissed by operation of law without a court order because no answer or motion for summary judgment had been filed.

HOLDINGS

1. A federal habeas petitioner may voluntarily dismiss the action without a court order by filing a notice of dismissal before an adverse party serves an answer or motion for summary judgment.
2. A dismissal under Rule 41(a)(1) is effective upon filing, requires no court order, and leaves the parties as though no action had been brought.

KEY QUOTATIONS

“it is beyond debate that a dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant can't complain, and the district court lacks jurisdiction to do anything about it” (at 1)

FACTUAL BACKGROUND

Moises Gomez Mendez filed a federal habeas petition against Pamela Bondi and other respondents. Before any adverse party filed an answer or motion for summary judgment, Mendez requested dismissal without prejudice.

PROCEDURAL HISTORY

On January 13, 2026, Petitioner filed a motion requesting dismissal. The court construed the filing as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1), determined that no answer or motion for summary judgment had been filed, and concluded that the action was dismissed by operation of law without prejudice.

DISPOSITION

dismissed

CASES CITED

- Mosely v. Trate, 2023 WL 2480571, at *1 (E.D. Cal. Mar. 13, 2023)
- Commercial Space Management Co. v. Boeing Co., 193 F.3d 1074, 1078 (9th Cir. 1999)

OPINION

Moises Gomez Mendez v. Pamela Bondi, et al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10

11 MOISES GOMEZ MENDEZ, No. ED CV 25-3401-DOC-E

12 Petitioner,

ORDER RE VOLUNTARY DISMISSAL

13 v.

14 PAMELA BONDI, ET AL.,

15 Respondent. 16

17 18 19 20 21 22 23 24 25 26 27 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). 15 16 Dated: January 13 , 2026. 17 / Alin 0 Cuter 19 hoe Cater)

20 UNITED STATES DISTRICT JUDGE

91 || PRESENTED this 13th day 92 || of January, 2026, by: 23 9A [S/

CHARLES F. EICK

95 || UNITED STATES MAGISTRATE JUDGE

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