

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

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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.

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

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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  
26 27 28