

**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

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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