

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Mauzy v. Mauzy

Mauzy · No. 3:25-cv-00344-CAB-BLM · Decided August 12, 2025

SUMMARY

The United States District Court for the Southern District of California denies a motion to modify its prior dismissal of the case from without prejudice to with prejudice. The court withdraws an earlier order that had dismissed the federal claims with prejudice and concludes that the plaintiff’s notice of voluntary dismissal was effective under Federal Rule of Civil Procedure 41(a)(1)(A). The case remains dismissed without prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	August 12, 2025
DOCKET	3:25-cv-00344-CAB-BLM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to modify the court's prior dismissal without prejudice to a dismissal with prejudice. The court withdrew an earlier order that had granted the motion in part and denied the motion to modify.
STANDARD OF REVIEW	The court applied its discretion to correct or withdraw a judgment for mistake or inadvertence and applied Federal Rule of Civil Procedure 41(a)(1) to the notice of voluntary dismissal.
PRECEDENTIAL VALUE	Unknown; unpublished district court order

TOPICS

- motion for reconsideration
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil procedure
- federal civil litigation

QUESTIONS PRESENTED

1. Whether Plaintiff's notice of voluntary dismissal was effective under Federal Rule of Civil Procedure 41(a)(1)(A) before Defendant filed an answer or a motion for summary judgment.
2. Whether the court should modify its prior dismissal without prejudice to a dismissal with prejudice.
3. Whether the court could withdraw its prior order modifying the dismissal because of mistake or inadvertence.

HOLDINGS

1. A plaintiff may unilaterally voluntarily dismiss an action under Federal Rule of Civil Procedure 41(a)(1)(A) before the opposing party files an answer or a motion for summary judgment, and the dismissal is without prejudice unless the notice states otherwise.
2. The court may correct or withdraw a judgment or order for mistake or inadvertence, including mistake or inadvertence by the court itself.

KEY QUOTATIONS

“Federal Rule of Civil Procedure 41(a)(1)(A) “allows a plaintiff to unilaterally voluntarily dismiss, so long as it does so before an answer or a motion for summary judgment.”” (at 2)

“That dismissal is without prejudice unless the notice of voluntary dismissal states otherwise.” (at 2)

FACTUAL BACKGROUND

Plaintiff filed a complaint, and the court dismissed it with leave to amend because amendment might have cured the defects. Plaintiff did not amend by the deadline and filed a notice of voluntary dismissal without prejudice before Defendant filed an answer or a motion for summary judgment. Although the court later modified the dismissal to make Plaintiff's federal claims with prejudice, it withdrew that order and restored the dismissal without prejudice.

PROCEDURAL HISTORY

The court initially dismissed Plaintiff's complaint with leave to amend. Plaintiff did not amend by the deadline and instead filed a notice of voluntary dismissal without prejudice before Defendant filed an answer or a motion for summary judgment. The court dismissed the case without prejudice, later entered an order modifying that dismissal to dismiss Plaintiff's federal claims with prejudice, and then withdrew that order and denied Defendant's motion.

DISPOSITION

dismissed

CASES CITED

- *Eminence Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003)

- *Fid. Fed. Bank, FSB v. Durga Ma Corp.*, 387 F.3d 1021, 1024 (9th Cir. 2004)
- *Aetna v. Gilead Scis., Inc.*, 599 F. Supp. 3d 913, 918 (N.D. Cal. 2022)

OPINION

Mauzy v. Mauzy

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 MATT MAUZY, Case No.: 3:25-cv-00344-CAB-BLM 12 Plaintiff,

ORDER DENYING MOTION TO

13 v. MODIFY DISMISSAL

14 JENNIFER MAUZY, and DOES 1–10,

[Doc. No. 11] 15 Defendants. 16 17 On July 21, 2025, Defendant Jennifer Mauzy filed a motion seeking the Court to 18 modify its previous dismissal of Plaintiff’s case from without prejudice to with prejudice. 19 [Doc. No. 11.] The Court initially dismissed Plaintiff’s complaint with leave to amend 20 because it may have been saved by amendment. [Doc. No. 7]; see *Eminence Cap., LLC v. 21 Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (“Dismissal with prejudice and without 22 leave to amend is not appropriate unless it is clear . . . that the complaint could not be saved 23 by amendment.”). After Plaintiff did not amend by the deadline, Defendant filed a motion 24 to dismiss for failure to prosecute and Plaintiff filed a notice of voluntary dismissal without 25 prejudice. [Doc. Nos. 8, 9.] The Court subsequently dismissed the case without prejudice 26 on July 15, 2025. [Doc. No. 10.] 27 On July 29, 2025, the Court granted in part Defendant’s motion to modify the 28 dismissal and dismissed Plaintiff’s federal claims with prejudice. [Doc. No. 12.] Now, the 1 || Court, on its own motion, hereby withdraws that order. See *Fid. Fed. Bank, FSB v. Durga 2 || Ma Corp.*, 387 F.3d 1021, 1024 (9th Cir. 2004) (“The district court has discretion to correct 3 || a judgment for mistake or inadvertence, either on the part of counsel or the court itself.”). 4 || Federal Rule of Civil Procedure 41(a)(1)(A)() “allows a plaintiff to unilaterally voluntarily 5 || dismiss, so long as it does so before an answer or a motion for summary judgment.” *Aetna 6 v. Gilead Scis., Inc.*, 599 F. Supp. 3d 913, 918 (N.D. Cal. 2022). That dismissal is 7 || without prejudice unless the notice of voluntary dismissal states otherwise. See *id.*; Fed. 8 || R. Civ. P. 41(a)(1)(B). Plaintiff filed a notice of voluntary dismissal without prejudice 9 || pursuant to Rule 41(a)(1)(A)(@) before Defendant filed an answer or a motion for summary 10 || judgment. [Doc. No. 9.] Accordingly, the Court DENIES Defendant’s motion to modify 11 Court’s dismissal order. The case is dismissed without prejudice. 12 It is SO ORDERED. 13 14 Dated: August 12, 2025 (GB 15 Hon. Cathy Ann Bencivengo 16 United States District Judge 17 18 19 20 21 22 23 24 25 26 27 28

