

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

U.S. BANK NATIONAL ASSOCIATION, §
NOT IN ITS INDIVIDUAL CAPACITY §
BUT SOLELY AS TRUSTEE FOR THE §
RMAC TRUST, SERIES 2016-CTT, §

Plaintiff, §

v. §

Civil Action No. 4:20-cv-00856

JONATHAN CORTEZ, RITZA §
CORTEZ ANDERSON, JOSE GARCIA, §
JASSON PEC, AND JULIO CORTEZ, §

Defendants. §

PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Plaintiff U.S. Bank National Association, not in its individual capacity but solely as Trustee for the RMAC Trust, Series 2016-T (“U.S. Bank” or “Plaintiff”) files this *Notice of Voluntary Dismissal Without Prejudice* (“Notice”) pursuant to Rule 41 of the Federal Rules of Civil Procedure, and shows the Court as follows:

1. On March 10, 2020, Plaintiff filed its *Original Complaint* (“Complaint”) against Defendants Jonathan Cortez, Ritza Cortez Anderson, Jose Garcia, Jasson Pec, and Julio Cortez (“Defendants”) to obtain an order authorizing foreclosure of Plaintiff’s security interest on the real property located at 11502 Larkdale, Houston, TX 77099 . (ECF No. 1.)

2. Despite being duly served, no appearance and/or answer has been filed by Defendants. On December 14, 2021, Plaintiff filed its Motion for Default against Defendants. (ECF No. 21). The court has yet to rule on Plaintiff’s Motion for Default. Accordingly, with the filing of this Notice of Dismissal without prejudice, Plaintiff respectfully requests the court to withdraw Plaintiff’s Motion for Default Judgment (ECF No. 21.).

3. Plaintiff no longer wishes to pursue its claims for foreclosure against Defendants. Accordingly, it files this Notice, pursuant to Rule 41 (a)(1)(A)(i) of the Federal Rules of Civil Procedure. Plaintiff files this Notice before Defendants filed an answer or motion for summary judgment. As such, Plaintiff voluntarily dismisses the claims it has asserted herein against Defendants without prejudice to the re-filing of the same.

4. This dismissal will finally dispose of all parties and all claims. Defendants will not be prejudiced by this voluntary dismissal.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests the Plaintiff's claims against Defendants Jonathan Cortez, Ritza Cortez Anderson, Jose Garcia, Jasson Pec, and Julio Cortez be dismissed without prejudice, that no prejudice attach to such dismissal, and that Plaintiff be awarded all other relief to which Plaintiff may be entitled.

Respectfully submitted,

By: /s/ Mark D. Cronenwett
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