

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

ENTERED

August 03, 2022

Nathan Ochsner, Clerk

FAIRPORT ASSET MANAGEMENT	§	
II REO, LLC,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 5:22-CV-54
	§	
ROSA MARIA GONZALEZ a/k/a	§	
ROSEMARY GONZALEZ,	§	
	§	
Defendant.	§	

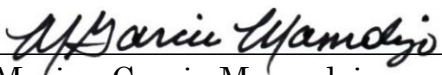
ORDER

Plaintiff has filed a notice of voluntary dismissal (Dkt. No. 6). Under Rule 41(a)(1)(A)(i), if a plaintiff files a notice of dismissal before the opposing party files an answer or motion for summary judgment, the claims can be dismissed without a court order. *See* Fed. R. Civ. P. 41(a)(1)(A)(i); *Welsh v. Correct Care, L.L.C.*, 915 F.3d 341, 343 (5th Cir. 2019). However, such dismissals are subject to limitations in class action suits, shareholder derivative suits, and suits where the Court has appointed a receiver. *Id.* None of those limitations apply here. Thus, because the Plaintiffs filed the notice before Defendant served an answer or a motion for summary judgment, all of Plaintiffs’ claims against Defendant were automatically dismissed without prejudice upon the notice’s filing. *See In re Amerijet Int’l, Inc.*, 785 F.3d 967, 973 (5th Cir. 2015), *as revised* (May 15, 2015) (“The notice of dismissal is self-effectuating and terminates the case in and of itself; no order or other action of the district court is required.”).

Accordingly, Plaintiff's claims against Defendant are **DISMISSED WITHOUT PREJUDICE**. All relief not previously granted is **DENIED**. The Clerk of Clerk is **DIRECTED** to **TERMINATE** this civil action.

It is so **ORDERED**.

SIGNED August 3, 2022.



Marina Garcia Marmolejo
United States District Judge