

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

PHH MORTGAGE CORPORATION,

Plaintiff,

v.

DONAVAN MILLER,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 3:22-cv-00664-K-BK

PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Plaintiff PHH Mortgage Corporation (“PHH” or “Plaintiff”) filed 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 22, 2022, Plaintiff filed its *Original Complaint* (“Complaint”) against Defendant Donovan Miller (“Defendant”) to obtain an order authorizing foreclosure of Plaintiff’s security interest on the real property located at 121 Jenny Kay Lane, Irving, Texas 75060. (ECF No. 1.)

2. Plaintiff completed service on Defendant. (ECF No. 5.) No appearance and/or answer has been filed by Defendant.

3. Plaintiff no longer wishes to pursue its claims for foreclosure against Defendant. 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 Defendant filed an answer or motion for summary judgment. As such, Plaintiff voluntarily dismisses the claims it has asserted herein against Defendant without prejudice to the re-filing of the same.

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

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests the Plaintiff's claims against Defendant Donavan Miller 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/ Vivian N. Lopez
MARK D. CRONENWETT
Texas Bar No. 00787303
mcronenwett@mwzmlaw.com

VIVIAN N. LOPEZ
Texas Bar No. 24129029
vlopez@mwzmlaw.com

MACKIE WOLF ZIENTZ & MANN, P. C.
14160 North Dallas Parkway, Suite 900
Dallas, TX 75254
Telephone: 214-635-2650
Facsimile: 214-635-2686

ATTORNEYS FOR PLAINTIFF