

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ROLAND GUTIERREZ,
SARAH ECKHARDT, and
TEJANO DEMOCRATS,

Plaintiffs,

v.

GREG ABBOTT, *Governor of the State of Texas,*
in his official capacity, and
JOSE A. ESPARZA, *Deputy Secretary of State*
of Texas, in his official capacity,

Defendants.

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1:21-CV-769-RP-JES-JVB

ORDER

On September 30, 2022, Plaintiffs filed an unopposed motion to nonsuit their claims against defendants. (Dkt. 32). The Court construes Plaintiffs' motion as a voluntary dismissal under Federal Rule of Civil Procedure 41. Rule 41(a)(1)(A)(i) allows a plaintiff to voluntarily dismiss an action without a court order by filing a notice of dismissal before the opposing party serves an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i). Defendants have not served answers or motions for summary judgment. Plaintiff's notice is therefore "self-effectuating and terminates the case in and of itself; no order or other action of the district court is required." *In re Amerijet Int'l, Inc.*, 785 F.3d 967, 973 (5th Cir. 2015), *as revised* (May 15, 2015).

As nothing remains to resolve, **IT IS ORDERED** that the case is **CLOSED**.

SIGNED on November 9, 2021 on behalf of the Three-Judge Panel.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE