

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ROBERT ARAGON; DAVID ANTHONY SEGURA; ZACHARY FORT; RICHARD KENNEDY; ROSE’S GUNS & MORE, LLC, a limited liability company; SOUTHWEST GUNSMITH TECHNOLOGIES, LLC, a limited liability company; NEW MEXICO SHOOTING SPORTS ASSOCIATION, a nonprofit corporation; NATIONAL RIFLE ASSOCIATION OF AMERICA, a nonprofit corporation; SECOND AMENDMENT FOUNDATION, a nonprofit corporation; and FIREARMS POLICY COALITION, INC., a nonprofit corporation,

*Plaintiffs,*

v.

MICHELLE LUJAN GRISHAM, Governor of New Mexico, in her official capacity; NEW MEXICO DEPARTMENT OF HEALTH; and KATHYLEEN KUNKEL, Secretary for the New Mexico Department of Health, in her official capacity; J. Does 1–10,

*Defendants.*

Case No. 20-cv-00325

**PLAINTIFFS’ NOTICE OF VOLUNTARY DISMISSAL**

Plaintiffs Robert Aragon; David Anthony Segura; Zachary Fort; Richard Kennedy; Rose’s Guns & More, LLC; Southwest Gunsmith Technologies, LLC; New Mexico Shooting Sports Association; National Rifle Association of America; Second Amendment Foundation; and Firearms Policy Coalition, Inc. (collectively “Plaintiffs”) hereby notify this Court of their voluntary dismissal of their *Complaint*

*for Declaratory Judgment and Injunctive Relief*, ECF No. 1, without prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

This notice is appropriate under Rule 41(a)(1) because Defendants have not yet filed an answer or motion for summary judgment, nor has a stipulation of dismissal been signed by all parties. Fed. R. Civ. P. 41(a)(1)(A)(i)-(ii); *Janssen v. Harris*, 321 F.3d 998, 1000 (10th Cir. 2003) (“Under Rule 41(a)(1)(i), a plaintiff has an absolute right to dismiss without prejudice and no action is required on the part of the court.”).<sup>1</sup> “[O]nce a Rule 41(a)(1) dismissal has been filed, ‘the district court loses jurisdiction over the dismissed claims and may not address the merits of such claims or issue further orders pertaining to them.’” *Netwig v. Georgia Pac. Corp.*, 375 F.3d 1009, 1011 (10th Cir. 2004) (quoting *Janssen*, 321 F.3d at 1000). The effect of this Notice is that the case is dismissed “without prejudice.” Fed. R. Civ. P. 41(a)(1)(B).

DATED this 15th day of June 2020.

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<sup>1</sup> “In 2007, [R]ule 41(a)(1)(i) became [R]ule 41(a)(1)(A)(i).” *Federated Towing & Recovery, LLC v. Praetorian Ins. Co.*, 283 F.R.D. 644, 654 (D.N.M. 2012) (citing Fed. R. Civ. P. 41 advisory committee’s note to 2007 amendment). “The Tenth Circuit has acknowledged that ‘the change was not substantive.’” *Id.* (quoting *De Leon v. Marcos*, 659 F.3d 1276, 1283 n.7 (10th Cir. 2011)).

Respectfully Submitted,

/s/Patrick J. Rogers

Patrick J. Rogers  
PATRICK J. ROGERS, LLC  
20 First Plaza NW, Suite 725  
Albuquerque, NM 87102  
(505) 938-3335  
[patrogers@patrogerslaw.com](mailto:patrogers@patrogerslaw.com)

Cody J. Wisniewski\*  
*\*Admitted Pro Hac Vice*  
MOUNTAIN STATES  
LEGAL FOUNDATION  
2596 S. Lewis Way  
Lakewood, CO 80227  
(303) 292-2021  
[cody@mslegal.org](mailto:cody@mslegal.org)

Adam Kraut, Esq\*  
*\*Admitted Pro Hac Vice*  
FIREARMS POLICY COALITION, INC.  
1215 K Street, 17th Floor  
Sacramento, CA 95814  
(916) 476-2342  
[akraut@fpclaw.org](mailto:akraut@fpclaw.org)

Michael T. Jean\*  
*\*Admitted Pro Hac Vice*  
THE NATIONAL RIFLE  
ASSOCIATION OF AMERICA  
11250 Waples Mill Road  
Fairfax, VA 22030  
(703) 267-1158  
[mjean@nrahq.org](mailto:mjean@nrahq.org)

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Patrick J. Rogers, CERTIFY that, on June 25th, 2020, I filed the foregoing using CM/ECF, which causes the parties of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Patrick J. Rogers