

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, et al.,

Plaintiffs,

v.

GREG ABBOTT, et al.,

Defendants.

Civil Action

Lead Case No.:

3:21-CV-00259-DCG-JES-JVB

ROSALINDA RAMOS ABUABARA, et al.,

Plaintiffs,

v.

JANE NELSON, et al.,

Defendants.

Consolidated Case No.:

1:21-CV-00965-DCG-JES-JVB

**MOTION FOR VOLUNTARY DISMISSAL OF PLAINTIFF ROSALINDA RAMOS  
ABUABARA**

Plaintiff Rosalinda Ramos Abuabara, by and through her undersigned counsel, respectfully moves this Court to dismiss her claims from the above-captioned action without prejudice pursuant to Federal Rules of Civil Procedure 21 and 41(a)(2). The remaining Abuabara Plaintiffs—now the “Bacy Plaintiffs”—will continue to pursue the claims in their Third Amended Complaint (ECF No. 613) and Supplemental Complaint (ECF No. 765). Defendants have indicated that they do not oppose this motion.

“On motion or on its own, the court may, at any time, on just terms, add or drop a party.” Fed. R. Civ. P. 21. Plaintiffs “may voluntarily dismiss parties under Rule 21.” *Collier v. Batiste*,

2005 WL 3543824, \*3 (E.D. La. Oct. 21, 2005). Alternatively, “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). “[M]otions for voluntary dismissal should be freely granted unless the non-moving party will suffer some plain legal prejudice other than the mere prospect of a second lawsuit.” *Elbaor v. Tripath Imaging, Inc.*, 279 F.3d 314, 317 (5th Cir. 2002); *see also* 9 Wright & Miller Fed. Prac. & Proc. Civ. § 2362 (4th ed.) (“The power to drop some plaintiffs or defendants from the suit plainly exists, either explicitly in the Federal Rules or in the district court’s inherent power.”); *Florida Rising Together v. Lee*, No. 4:21-cv-201-MW/MJF, ECF No. 229 (N.D. Fla. Oct. 29, 2021) (construing a motion to withdraw as plaintiff as a motion for voluntary dismissal as to that plaintiff only pursuant to Rule 41(a)(2) or, in the alternative, as a motion to amend the complaint to drop the withdrawing plaintiff as a party pursuant to Rule 15(a)(2)); *Johnston v. Cartwright*, 355 F.2d 32, 39 (8th Cir. 1966) (“[I]t may not be material whether the court acts under Rule 15(a) which relates to amendments, or Rule 21 which concerns misjoinder, or Rule 41(a)(2).”).

Defendants will suffer no prejudice from the dismissal of Plaintiff Abuabara. The remaining Abuabara Plaintiffs—now the “Bacy Plaintiffs”—will continue to pursue the claims in their Third Amended Complaint (ECF No. 613) and Supplemental Complaint (ECF No. 765). Accordingly, Plaintiff Abuabara hereby respectfully requests that the court dismiss her from this action without prejudice.

Dated: July 9, 2024

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Respectfully submitted,

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**CERTIFICATE OF CONFERENCE**

Counsel for the Plaintiffs conferred with counsel for the Defendants in a good-faith attempt to resolve the subject matter of this Motion, and counsel for the Defendants indicated that they do not oppose the Motion.

/s/ David R. Fox

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on July 9, 2024, and that all counsel of record were served by CM/ECF.

/s/ David R. Fox

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