

4-305. Notice of dismissal of complaint.

[For use with Magistrate Court Rule 2-305 and
Metropolitan Court Rule 3-305]

STATE OF NEW MEXICO
COUNTY OF DONA ANA
IN THE MAGISTRATE COURT

No. _____

_____, Plaintiff

v.

_____, Defendant

NOTICE OF DISMISSAL OF COMPLAINT¹

Plaintiff hereby dismisses plaintiff's complaint without prejudice.

Plaintiff or attorney for plaintiff

CERTIFICATE OF SERVICE²

I hereby certify that on this ____ day of _____, _____ this _____ (*insert paper served, such as "answer" or "notice"*) was

[mailed by United States first class mail, postage prepaid, and addressed to:

Name: _____
Address: _____
City, State _____
and zip code: _____]

[faxed by _____ (*name of person who faxed document*) to
_____ (*name of recipient*) at _____ (*telephone number*).
The transmission was reported as complete. The time and date of the transmission was
_____ (a.m.) (p.m.) on _____ (*date*).]

[e-mailed to _____ (*name of party or attorney*) at _____
(*electronic mail address of recipient*) upon agreement of the party to accept electronic service.
The transmission was reported as complete. The time and date of the transmission was
_____ (a.m.) (p.m.) on _____ (*date*).]

[delivered to _____ (*Specify how service by delivery was made. See Use Note 1 for the methods service may be made using this alternative*)
_____:]

Signature of person sending paper

Date of signature

USE NOTES

1. This form may not be used if the defendant has filed an answer or other responsive pleading. Civil Form 4-306A NMRA is used if the defendant has filed an answer or other responsive pleading.

2. This request must be served on all other parties pursuant to Rule 2-203 NMRA or Rule 3-203 NMRA. *See also* Rule 2-307 NMRA for how motions are presented to the court. [As amended, effective November 1, 2000; as amended by Supreme Court Order 05-8300-05, effective March 21, 2005.]