

**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 \_\_\_\_\_  
\_\_\_\_\_ COURT

No. \_\_\_\_\_

\_\_\_\_\_, Plaintiff

v.

\_\_\_\_\_, Defendant

**NOTICE OF DISMISSAL OF COMPLAINT<sup>1</sup>**

Plaintiff hereby dismisses plaintiff's complaint without prejudice.

\_\_\_\_\_  
Plaintiff or attorney for plaintiff

**CERTIFICATE OF SERVICE<sup>2</sup>**

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) \_\_\_\_\_:]

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Signature of person sending paper

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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.]