

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

MIGUEL ANGEL CORBACHO DAUDINOT.

Plaintiff,

CASE NO. 1:13-cv-22589-KMV

v.

YASIEL PUIG VALDES a/k/a YASIEL PUIG  
and MARITZA VALDES GONZALEZ.Defendants.  

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**UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL WITHOUT  
PREJUDICE PURUSANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2)**

COMES NOW the Plaintiff, MIGUEL ANGEL CORBACHO DAUDINOT, by and through the undersigned counsel, and respectfully file this Unopposed Motion for Voluntary Dismissal Without Prejudice and with no award of fees or costs, based on the following:

1. The Plaintiffs filed the instant case on July 18, 2013, when Plaintiff, was serving time in Cuban prison as a result of the Defendant's actions, which were alleged in the Complaint.
2. Plaintiff had been convicted to a seven year prison sentence on October 8, 2010, which recognized the time already served by him in prison, which began on January 20, 2010.
3. Despite Plaintiff's unavailability at the time of filing, Plaintiff filed the instant case against the Defendants in the expectation that Plaintiff would be able to travel to the United States with sufficient time to participate in pre-trial discovery and trial.
4. The court suggested to Plaintiff's counsel when the parties appeared before the it on May 27, 2015 that Plaintiff move voluntarily dismiss the case without prejudice if the Plaintiff did not arrive by the discovery deadline.
5. As of the filing of this instant motion, Plaintiff has not been able to travel to the United States.
6. Avelino J. Gonzalez, co-counsel representing Plaintiff, called Sean Santini, counsel for the Defendants, regarding the instant motion, and Attorney Santini informed Attorney Gonzalez that Defendants did not oppose the instant motion.

**LEGAL MEMORANDUM**

Pursuant to Rule 41(a)(2), Plaintiff, with the approval of the Court, may dismiss an action voluntarily and without prejudice to future litigation at any time during the litigation process. *McCants v. Ford Motor Company, Inc.*, 781 F.2d 855 (11th Cir. 1986). Only if a defendant will suffer clear legal prejudice is denial of a motion for voluntary dismissal warranted. *Id.* at 857. See also *Pontenberg v. Boston Scientific Corp.*, 252 F.3d 1253, 1255 (11th Cir. 2001).

Here, Defendant does not object to the voluntary dismissal of the Complaint.

**Local Rule 7.1(a)(3) Certification**

On June 19, 2015, Avelino J. Gonzalez, co-counsel for Plaintiff, conferred with counsel for Defendants, Sean Santini, regarding this motion, in a good faith effort to resolve the issues raised in the motion and was informed that Defendants would not oppose the Motion.

By: *s/Avelino J. Gonzalez*  
Avelino J. Gonzalez, Esq., FBN 75530  
Kenia Bravo, Esq., FBN 68296

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of this document was filed in federal court using CM/ECF on June 19, 2015.

*s/Kenia Bravo*  
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