

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

JARROD LOWREY,

Plaintiff,

vs.

No. CIV 23-0868 JB/JMR

CANTRELL MOSLEY, MISTY WILLIAMS,
JENNIFER BARTLESON, JONATHAN
CRESPIN, JOSHUA WILCKEN, B.
SANCHEZ, JOHN CASTANEDA, and
JENNIFER REGAN,

Defendants.

MEMORANDUM OPINION AND ORDER

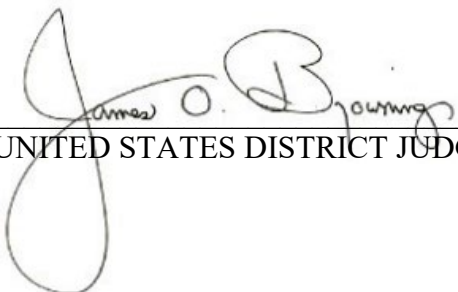
THIS MATTER comes before the Court on the Plaintiff’s Response to Order to Show Cause, filed November 1, 2024 (Doc. 55)(“Response”). The Honorable Jennifer M. Rozzoni, United States Magistrate Judge for the United States District Court for the District of New Mexico, issued an Order to Show Cause, filed October 14, 2024 (Doc. 54) (“Order”), to pro se Plaintiff Jarrod Lowrey. Magistrate Judge Rozzoni orders Lowrey to show cause why the Court should not dismiss his claims against Defendant Jennifer Regan for failure to state a claim upon which relief can be granted under both 42 U.S.C. § 1983 and the New Mexico Civil Rights Act., N.M. Stat. Ann. §§ 41-4A-1 to -13. See Order at 3-4; Fed. R. Civ. P. 12(b)(6)(authorizing a court to dismiss a complaint for “failure to state a claim upon which relief can be granted”). Lowrey filed his Response on November 11, 2024. See Response at 1.

In his Response, Lowrey “concedes that Regan, as a standalone defendant, is not liable under [§] 1983.” Response at 1. As Magistrate Judge Rozzoni notes in her Order, “[w]ithout

a § 1983 claim, this Court lacks subject-matter jurisdiction over Mr. Lowrey’s case,” as his only remaining claims arise under the New Mexico Civil Rights Act. Order at 4. In light of the Court’s Memorandum Opinion and Order dismissing Defendants Jonathan Crespín, Joshua Wilcken, B. Sanchez, and John Castenada, filed September 30, 2024 (Doc. 52), and the Court’s Memorandum Opinion and Order dismissing Defendants Cantrell Mosley, Misty Williams, and Jennifer Bartleson, filed September 30, 2024 (Doc. 53), Lowrey believes that his case against the sole remaining Defendant Regan is “moot.” Response at 2.

Lowrey “requests that the Court immediately issue a final order in this case so that Plaintiff can file his notice of appeal as soon as possible.” Response at 2. As requested and pursuant to rule 41(a)(2) of the Federal Rules of Civil Procedure, the Court dismisses Lowrey’s claims against Regan without prejudice. The Court will enter Final Judgment.

IT IS ORDERED that: (i) the Plaintiff’s request in the Plaintiff’s Response to Order to Show Cause, filed November 1, 2024 (Doc. 55)(“Response”), that the Court dismiss his claims against Defendant Jennifer Regan is granted; (ii) the Plaintiff’s request in his Response for a Final Judgment is granted; and (iii) the Plaintiff’s claims against Defendant Jennifer Regan are dismissed without prejudice.



UNITED STATES DISTRICT JUDGE

Parties and counsel:

Jarrod Lowrey
Rio Rancho, New Mexico

Plaintiff pro se

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