

United States Court of Appeals
for the Fifth Circuit

No. 26-10034
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 27, 2026

Thomas B. Plunkett, III
Clerk

JASON FINIS SMITH,

Plaintiff—Appellant,

versus

MAYA HARRIS EVANS, *Associate Judge*; RACHAEL AIREN, *Attorney of
Records*; CHILD SUPPORT ENFORCEMENT AGENCY,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:25-CV-1871

Before DAVIS, RICHMAN, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Plaintiff-Appellant Jason Finis Smith, appearing pro se and in forma pauperis, appeals the district court's judgment dismissing his complaint with prejudice. Because Smith had filed a notice of voluntary dismissal in a prior action against the same parties before the district court entered judgment, we

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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MODIFY the judgment to reflect a dismissal under civil Rule 41(a)(1)(A)(i) and AFFIRM.

This is the first of three cases where Smith sued certain staff members of the Title IV-D family court and the “Child Support Enforcement Agency.” Each of his suits claims that various family-court actions over the past decade were fraudulent or otherwise unlawful.

The magistrate judge assigned to this case screened Smith’s complaint per 28 U.S.C. § 1915 and recommended that it be dismissed with prejudice on immunity grounds. No defendant was ever served.

Before the district court acted on the magistrate judge’s R&R, Smith filed two more suits in the same district court against the same defendants arising from the same family-court proceeding—*Smith v. Airen* and *Smith v. Evans*.¹ On December 15, 2025, and before any defendant had appeared, Smith voluntarily dismissed the *Airen* case.² A week later on December 22, Smith filed identical motions to dismiss in the *Evans* action and in this case.³ The *Evans* suit was terminated the same day in a docket entry that construed Smith’s motion as a notice of voluntary dismissal under civil Rule 41(a)(1)(A)(i).

The district judge in this case, however, did not give effect to Smith’s voluntary dismissal under Rule 41(a)(1)(A)(i). Instead, he adopted the

¹ See Complaint, *Smith v. Airen*, No. 3:25-cv-03270 (N.D. Tex. Nov. 26, 2025), Dkt. 3; Complaint, *Smith v. Evans*, No. 3:25-cv-03365 (N.D. Tex. Dec. 8, 2025), Dkt. 3.

² See Notice of Dismissal, *Smith v. Airen*, No. 3:25-cv-03270 (N.D. Tex. Dec. 15, 2025), Dkt. 10; FED. R. CIV. P. 41(a)(1)(A)(i) (stating a plaintiff may dismiss without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment”).

³ See Motion to Dismiss, *Smith v. Evans*, No. 3:25-cv-03365 (N.D. Tex. Dec. 22, 2025), Dkt. 7.

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magistrate judge's R&R and entered a final judgment dismissing Smith's complaint with prejudice on immunity grounds. Smith now appeals.

Under Rule 41(a)(1)(A)(i), a plaintiff may dismiss an action without a court order by noticing a dismissal before an opposing party has served an answer or a motion for summary judgment.⁴ A properly filed Rule 41(a)(1)(A)(i) notice "is self-effectuating and terminates the case in and of itself; no order or other action of the district court is required."⁵ In situations where "the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits."⁶

The initial motion to dismiss that Smith filed in this case satisfies Rule 41(a)(1)(A)(i)'s requirements: at the time it was filed, no defendant had appeared or filed an answer or summary-judgment motion.⁷ But as noted above, the voluntary dismissal in this case came on the heels of a Rule 41(a)(1)(A)(i) notice of dismissal in the *Airen* action, which named the same defendants and arose from the same family-court proceeding as here. The second dismissal in this case thus operates as an adjudication on the merits under Rule 41(a)(1)(B): "if the plaintiff previously dismissed any federal- or

⁴ See FED. R. CIV. P. 41(a)(1)(A)(i).

⁵ *Bechuck v. Home Depot U.S.A., Inc.*, 814 F.3d 287, 291 (5th Cir. 2016).

⁶ FED. R. CIV. P. 41(a)(1)(B).

⁷ See *In re Amerijet Int'l, Inc.*, 785 F.3d 967, 974 (5th Cir. 2015) (per curiam) ("only an answer or a motion for summary judgment will suffice to preclude a plaintiff from dismissing under" the rule (emphasis added)); *Pilot Freight Carriers, Inc. v. Int'l Bhd. of Teamsters*, 506 F.2d 914, 916 (5th Cir. 1975) (stating Rule 41(a)(1)(A)(i) "means precisely what it says").

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state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.”⁸

Accordingly, we MODIFY the district court’s with-prejudice dismissal based on immunity to provide for dismissal under Rule 41(a)(1)(A)(i), and AFFIRM the judgment as modified. Should Smith file another suit based on or including the same claim asserted here, the district court would be within its discretion to consider appropriate measures, consistent with due process, to protect its docket from further burden.

⁸ FED. R. CIV. P. 41(a)(1)(B).