

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

DAARON MCADOO

PLAINTIFF

v.

Case No. 6:13-cv-6088

SERGEANT AMY MARTIN and
OFFICER BEN CASH

DEFENDANTS

ORDER

Before the Court is the parties' Joint Motion to Dismiss. (ECF No. 67). The Court finds that no response is necessary and that the matter is ripe for consideration.

On November 9, 2018, the parties filed the instant motion. The parties state that they have settled the above-styled cause and, thus, they ask the Court to dismiss this case with prejudice. Although the parties do not specify what Federal Rule of Civil Procedure they move under, the Court construes the instant motion as a Rule 41 motion.

Federal Rule of Civil Procedure 41 governs the dismissal of actions. An action may be dismissed by court order at the plaintiff's request, on terms the court considers proper. Fed. R. Civ. P. 41(a)(2). "Voluntary dismissal under Rule 41(a)(2) should not be granted if a party will be prejudiced by the dismissal." *Adams v. USAA Cas. Ins. Co.*, 863 F.3d 1069, 1079 (8th Cir. 2017).

Upon consideration, the Court finds that good cause has been shown for the motion and that no party will be prejudiced by the dismissal of this case. Accordingly, the Court finds that the parties' joint motion (ECF No. 67) should be and hereby is **GRANTED**. Plaintiff's complaint is hereby **DISMISSED WITH PREJUDICE**. If any party desires that the terms of settlement be a part of the record therein, those terms should be reduced to writing and filed with the Court within

thirty (30) days of the entry of this judgment. The Court retains jurisdiction to vacate this Order and to reopen this action upon cause shown that the settlement has not been completed and further litigation is necessary.

IT IS SO ORDERED, this 15th day of November, 2018.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge