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4 **UNITED STATES DISTRICT COURT**  
5 **EASTERN DISTRICT OF CALIFORNIA**  
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7 TANYA MORRISON et al.,

8 Plaintiffs,

9 v.

10 DHARAM PAL et al.,

11 Defendants.

**CASE NO. 1:17-cv-00776-AWI-JLT**

**ORDER DISMISSING CASE SUBJECT  
TO TERMS OF CONSENT DECREE  
AND FINAL ORDER**

(Docs. No. 53, 54)

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13 On February 8, 2019, the Court issued the “Consent Decree and Final Order.” See Doc.  
14 No. 53. The Consent Decree and Final Order — which the parties stipulated to as part of a  
15 settlement agreement, see Doc. No. 52 — states that the Court will retain jurisdiction over this  
16 case for “the purpose of enforcing and modifying” the Consent Decree. See Doc. No. 53.

17 Shortly after the Consent Decree and Final Order was issued, the Clerk of Court closed this  
18 case. See id. Then, on April 1, 2019, the parties filed a stipulation of dismissal of this case. See  
19 Doc. No. 54. The stipulation asks the Court to dismiss this case subject to the terms of the  
20 Consent Decree and Final Order. Id. The stipulation does not identify any specific legal basis on  
21 which it is made, such as a provision of Rule 41 of the Federal Rules of Civil Procedure.

22 The Court construes the stipulation as being made pursuant to Rule 41(a)(2), which reads:

23 Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff’s  
24 request only by court order, on terms that the court considers proper. If a defendant  
25 has pleaded a counterclaim before being served with the plaintiff’s motion to  
26 dismiss, the action may be dismissed over the defendant’s objection only if the  
counterclaim can remain pending for independent adjudication. Unless the order  
states otherwise, a dismissal under this paragraph (2) is without prejudice.

27 Here, Plaintiffs and Defendants request that this case be dismissed subject to the terms of  
28 the Consent Decree and Final Order. The Court considers the terms of the Consent Decree and


1 Final Order to be proper. Therefore, the Court will dismiss this case pursuant to Rule 41(a)(2) and  
2 subject to the terms of the Consent Decree and Final Order.

3 **ORDER**

4 Accordingly, IT IS HEREBY ORDERED that this case is dismissed subject to the terms of  
5 the Consent Decree and Final Order.

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7 IT IS SO ORDERED.

8 Dated: April 2, 2019

  
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SENIOR DISTRICT JUDGE

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