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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Scott Johnson,  
  
                    Plaintiff,  
  
          v.  
  
RMP Properties, LLC, a  
Delaware Limited Liability  
Company; Save Mart  
Supermarkets, a California  
Corporation; and Does 1-10,  
  
                    Defendants.

2:13-cv-01612-GEB-DAD  
  
**DISMISSAL ORDER**

On February 5, 2014, the parties filed a "STIPULATION FOR DISMISSAL PURSUANT TO F.R.41(a)(1); & ORDER THEREON" in which they dismiss this action with prejudice and assume that the court will exercise jurisdiction over a settlement agreement and matters the court has not seen.

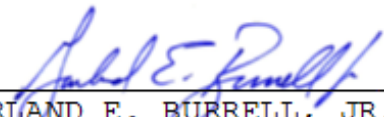
However, the parties have not shown why the Court should retain jurisdiction, and "the mere fact that the parties agree that the court [shall] exercise continuing jurisdiction is not binding on the court." Arata v. Nu Skin Int'l, Inc., 96 F.3d 1265, 1269 (9th Cir. 1996); see also Jessup v. Luther, 277 F.3d 926, 929 (7th Cir. 2002) (observing that settlement of a federal lawsuit "is just another contract to be enforced in the usual

1 way, that is, by fresh suit") (citing Kokkonen v. Guardian Life  
2 Ins. Co., 511 U.S. 375, 378-82 (1994)) (additional citations  
3 omitted).

4 Further, in light of the parties' "complete and total"  
5 settlement of this action and agreement to dismiss this action  
6 with prejudice, (Dismissal Notice 1:25-2:2), this action is  
7 dismissed with prejudice. See Eitel v. McCool, 782 F.2d 1470,  
8 1472-73 (9th Cir. 1986) (explaining that "[t]he court reasonably  
9 concluded that the parties had the requisite mutual intent to  
10 dismiss the action with prejudice" when the court "f[ound] that  
11 the parties' . . . representations to the court agreeing to a  
12 dismissal with prejudice constituted a voluntary stipulated  
13 dismissal under Rule 41(a)(1)(ii)").

14 Dated: February 11, 2014

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GARIAND E. BURRELL, JR.  
Senior United States District Judge