

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Walker D. Miller

Civil Action No. 06-cv-00232-WDM-MJW

ROY J. MAIN,

Plaintiff,

v.

GEORGE HUBBS,

Defendant.

ORDER ON MOTION TO DISMISS

Miller, J.

This matter is before me on Plaintiff's Motion to Dismiss (Docket No. 176), filed on May 7, 2009, which seeks to "Dismiss George Hubbs as a Defendant in this case and to close out this case." Defendant filed a response stipulating to the motion to dismiss and indicating that he does not seek fees or costs from Plaintiff.

Therefore, as Defendant Hubbs is the only remaining defendant in this case and stipulates to the dismissal, I dismissal is appropriate in this case pursuant to Fed. R. Civ. P. 41(a)(2) under the terms that the parties have specified in their respective filings. As the motion to dismiss does not state otherwise, the dismissal is without prejudice. See Fed. R. Civ. P. 41(a)(2).

Accordingly, it is ordered:

1. Plaintiff's Motion to Dismiss (Docket No. 176) is granted.

PDF Final

2. The complaint is dismissed without prejudice.
3. Each party shall bear his own attorney's fees and costs.

DATED at Denver, Colorado, on May 8, 2009.

BY THE COURT:

s/ Walker D. Miller
United States District Judge