

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 07-CV-00439-MSK-MJW

MELVIN LEE WOOLLEY,

Plaintiff,

v.

HEARINGS OFFICER PAMELA PERDUE,
CMI CRESSLER,
CMI ROCHA,
HEAD OF MEDICAL DELTA CORRECTIONAL CENTER,
HEAD OF ACCOUNTING DELTA CORRECTIONAL, and
WARDEN OF DELTA CORRECTIONAL CENTER,

Defendants.

ORDER DENYING MOTION TO ENFORCE PAYMENT

THIS MATTER comes before the Court on Plaintiff Melvin Lee Woolley's Motion to Enforce Payment (**#50**), to which no response has been filed.

In January 2008, all of the parties to this action filed a Stipulated Motion to Dismiss (**#35**) seeking dismissal of the entire action with prejudice. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the case was terminated upon this filing. Mr. Woolley now seeks to enforce the settlement agreement upon which the dismissal was purportedly based.

To provide the relief that Mr. Woolley seeks, however, the Court must have jurisdiction over the dispute. Unfortunately for Mr. Woolley, upon a voluntary dismissal under Rule 41, a court does not retain jurisdiction over disputes arising out of the agreement that gives rise to the

settlement. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 378 (1994). Thus, this Court is without jurisdiction to provide Mr. Woolley with the relief he seeks in this current motion. Accordingly, it is **ORDERED** that Plaintiff Melvin Lee Woolley's Motion to Enforce Payment (#50) is **DENIED**.

Dated this 9th day of February, 2010

BY THE COURT:



Marcia S. Krieger
United States District Judge