

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Judge Philip A. Brimmer**

Civil Action No. 08-cv-02650-PAB-BNB

JASON FOWLER,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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**ORDER OF DISMISSAL**

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This matter is before the Court on the Stipulation of Dismissal [Docket No. 75] filed by the remaining parties in this matter, plaintiff Jason Fowler and defendant United States of America. The parties “stipulate that the cause of action should be dismissed with prejudice.” The stipulation, however, was not signed by “by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii); see *Anderson-Tully Co. v. Federal Ins. Co.*, 347 F. App’x 171, 176 (6th Cir. 2009) (under Fed. R. Civ. P. 41(a)(1)(A)(ii), “all parties who have appeared” includes both current and former parties). As a result, the Stipulation of Dismissal, by itself, does not serve to dismiss this action. The Court, however, having reviewed the stipulation, finds that dismissal is appropriate. Therefore, pursuant to Fed. R. Civ. P. 41(a)(2), it is

**ORDERED** that all claims by and between plaintiff and defendant are dismissed with prejudice, each party to bear its own costs and attorneys’ fees. It is further

**ORDERED** that this case shall be closed in its entirety.

DATED November 8, 2011.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge