

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

Civil Action No. 10-cv-01345-PAB-MJW

WALTER L. HUERY,

Plaintiff,

v.

MS. POPE, C.D.O.C.,
NURSE RONDA KATZENMEYER, PHP-CHP, B.V.C.F.,
LAURENCE, THEODORE L. PHP, C.D.O.C., B.V.C.F., and

Defendants.

ORDER OF DISMISSAL

This matter is before the Court on the Stipulation of Dismissal [Docket No. 56] filed by the remaining parties in this matter, plaintiff Walter L. Huery and defendants Pope, Katzenmeyer and Laurence. The parties “stipulate to dismiss this case in its entirety.” 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 defendants are dismissed without 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 March 15, 2012.

BY THE COURT:

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