

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

Civil Action No. 11-cv-01430-PAB-MEH

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH SCOTT,

Defendant.

ORDER OF DISMISSAL

This matter is before the Court on the Joint Stipulation for Dismissal [Docket No. 189] filed by the remaining parties in this matter, plaintiff United States of America and defendant Kenneth Scott. The parties “stipulate to dismiss this action, 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 Joint Stipulation for 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 March 29, 2012.

BY THE COURT:

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