

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 13-cv-01716-WJM-BNB

ANGELIA MCGOWAN,

Plaintiff,

v.

BOARD OF TRUSTEES FOR METROPOLITAN STATE UNIVERSITY OF DENVER,

Defendant.

ORDER

This matter arises on the defendant's **Motion to Dismiss Counts Two and Three of the Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(1)** [Doc. # 27, filed 3/31/2014] (the "Motion to Dismiss in Part"). Subsequently, the parties filed a Stipulation to Dismiss Counts Two and Three [Doc. # 45, filed 7/9/2014] (the "Stipulation"). The Stipulation is made under Fed. R. Civ. P. 41(a)(1)(A)(ii), which allows the parties to dismiss claims or an action without a court order by filing "a stipulation of dismissal signed by all parties who have appeared." The stipulation is signed by counsel for the plaintiff and the defendant, the only parties appearing. Consequently, Claims two and three of the Amended Complaint were dismissed by the filing of the Stipulation, rendering moot the Motion to Dismiss in Part, which sought dismissal of those same claims.

IT IS ORDERED that the Motion to Dismiss in Part [Doc. # 27] is DENIED as moot.

Dated July 15, 2014.

BY THE COURT:

s/ Boyd N. Boland

United States Magistrate Judge