

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03430-PAB-MJW

ARNOLD GUTWEIN,

Plaintiff,

v.

ALLIED INTERSTATE LLC, a Minnesota limited liability company,

Defendant.

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**MINUTE ORDER**

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**Entered by Judge Philip A. Brimmer**

This matter is before the Court on the plaintiff's Notice of Dismissal With Prejudice [Docket No. 8]. Plaintiff requests the entry of an order dismissing the case with prejudice. The notice, however, complies with Federal Rule of Civil Procedure 41(a)(1)(A)(i), which provides that the "plaintiff may dismiss an action *without a court order* by filing: . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." (emphasis added) Furthermore, "[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice." Fed. R. Civ. P. 41(a)(1)(B) (emphasis added). Here, however, plaintiff has agreed to the dismissal of this action with prejudice. Therefore, the case was dismissed with prejudice as of the entry of the Notice of Dismissal With Prejudice. No order of dismissal is necessary.

DATED February 26, 2014.