

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-01824-LTB

**CHARLES HYLAND,**

Plaintiff,

v.

**TRANSFIRST LLC;  
KARI D'OTTAVIO; and  
MARIO BAUTISTA,**

Defendants.

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**ORDER DISMISSING CASE**

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Plaintiff, Charles Hyland, initiated this action *pro se* on August 24, 2015, by filing a Title VII Complaint (ECF No. 1) and Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 2). On August 26, he was denied leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 and directed to pay the required filing fee (ECF No. 4).

On September 30, 2015, Counsel entered an appearance on behalf of Defendants (ECF No. 8). Also on that date, the parties filed a Stipulation for Dismissal Pursuant to Fed. R. Civ. p. 41(a)(1)(A)(ii) wherein they request that the Court dismiss this lawsuit with prejudice (ECF No. 9).

Fed. R. Civ. P. 41(a)(1)(A) provides that “the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.” A voluntary dismissal under Rule 41(a)(1) is effective immediately upon the filing of a written notice of dismissal and no subsequent

court order is necessary. See J. Moore, Moore's Federal Practice ¶ 41.02(2) (2d ed. 1995); *Hyde Constr. Co. v. Koehring Co.*, 388 F.2d 501, 507 (10<sup>th</sup> Cir. 1968). The Stipulation of Dismissal, therefore, closes the file as of September 30, 2015. *Hyde Constr. Co.*, 388 F.2d at 507. Accordingly, it is

**ORDERED** that the action is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) effective as of September 30, 2015. It is

**FURTHER ORDERED** that all pending motions are **DENIED** as moot.

DATED October 2, 2015, at Denver, Colorado.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK, Senior Judge  
United States District Court