

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No: 18-cv-01131-RM-NRN

MOTTO FRANCHISING, LLC,

Plaintiff,

v.

JOSEPH MCCABE,  
CHRIS WAGENHOFFER, and  
GREATER PHILADELPHIA AREA MORTGAGE, LLC  
d/b/a HOME FRONT MORTGAGE,

Defendants.

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**ORDER**

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This matter is before the Court on Plaintiff Motto Franchising, LLC's, d/b/a Motto<sup>SM</sup> Mortgage, Motion for Entry of Judgment (ECF No. 20) in its favor and against Defendants Joseph McCabe and Greater Philadelphia Area Mortgage, LLC d/b/a Home Front Mortgage based on the terms of a Settlement Agreement. Upon review of the Motion, and the court record, the Court finds the requested relief may not be had.

Specifically, Plaintiff voluntarily dismissed this case under Fed. R. Civ. P. 41(a)(1)(A)(i) (ECF No. 17), leaving nothing for the Court to do. *See* Fed. R. Civ. P. 41(a)(1)(A)(i) "[T]he 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."); *see also, e.g., Janssen v. Harris*, 321 F.3d 998, 1001-01 (10th Cir. 2003). Although the parties could have

requested the Court to retain jurisdiction to enforce the terms of their settlement agreement, they did not do so. *See* 9 Charles Alan Wright et al., *Federal Practice and Procedure* § 2366 (3d ed. 2019). Thus, the Court has no jurisdiction to entertain the Motion. It is therefore

ORDERED that the Motion for Entry of Judgment (ECF No. 20) is DENIED WITHOUT PREJUDICE.

DATED this 15th day of July, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Raymond P. Moore', written over a horizontal line.

RAYMOND P. MOORE  
United States District Judge