

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

CORNEL BUNTING,  
Plaintiff,

v.

Case No: 2:13-cv-231-FtM-38DNF

SUNSTREAM, INC.,  
Defendant.

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**ORDER**<sup>1</sup>

This matter comes before the Court on Joint Stipulation of Dismissal with Prejudice (Doc. #36) filed on September 26, 2013. [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)](#), allows a plaintiff to dismiss a case without a court order. The Rule reads in pertinent part:

Subject to Rules 23(e), 23.1, 23.2 and 66 and any applicable federal statute, 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.

[Fed. R. Civ. P. 41\(a\)\(1\)\(A\)](#).

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<sup>1</sup> Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or Web sites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other Web sites, this court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.


In this instance, Plaintiff informs the Court that he voluntarily dismisses the Complaint with prejudice pursuant to Fed. R. Civ. P. 41(a)(1) and Local Rule 3.08. The remaining Parties in this action, Plaintiff Cornell Bunting and Defendant Sunstream, Inc., have signed the notice. Therefore, the case is due to be dismissed with prejudice.

Accordingly, it is now

**ORDERED:**

Plaintiff Cornell Bunting's Complaint (Doc. #1) is hereby **DISMISSED with prejudice**. The Clerk is directed to close the case, terminate any pending motions and enter judgment accordingly.

**DONE** and **ORDERED** in Fort Myers, Florida this 27th day of September, 2013.

  
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SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record