

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

EVELYN PRIETO,

Plaintiff,

v.

Case No: 2:13-cv-489-FtM-38CM

COLLIER COUNTY, a political
subdivision of the State of Florida,
COLLIER COUNTY BOARD OF
COMMISSIONERS, and IAN
MITCHELL, individually,

Defendants.

ORDER¹

This matter comes before the Court on Plaintiff Evelyn Prieto and Defendants Collier County and Collier County Board of Commissioner's Joint Stipulation of Dismissal With Prejudice ([Doc. #60](#)) filed on November 19, 2014. [Rule 41\(a\)\(1\)\(A\) of the Federal Rules of Civil Procedure](#) allows a plaintiff to dismiss a case voluntarily without a court order. [Rule 41\(a\)\(1\)\(A\)](#) reads, in pertinent part, that

[s]ubject 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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In this instance, the parties agree to dismiss this case with prejudice under [Rule 41\(a\)\(1\)\(A\)\(ii\)](#) and bear their own attorneys' fees and costs. ([Doc. #60](#)). The parties have both signed the stipulation. ([Doc. #60](#)). The Court dismissed Ian Mitchell as a named defendant in this case on September 24, 2014. ([Doc. #45](#)). The Court, therefore, dismisses this case with prejudice under [Rule 41\(a\)\(1\)\(A\)\(ii\)](#).

Accordingly, it is now

ORDERED:

Plaintiff Evelyn Prieto and Defendants Collier County and Collier County Board of Commissioner's Joint Stipulation of Dismissal With Prejudice ([Doc. #60](#)) is **GRANTED**. The Clerk of the Court is directed to enter judgment accordingly, terminate any pending motions and deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 24th day of November, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record