

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JIMMY COCHRANE,

Plaintiff,

v.

Case No: 2:13-cv-592-FtM-38DNF

CIRCLE K. STORES, INC.,

Defendant.

ORDER¹

This matter comes before the Court on Joint Stipulation for Dismissal with Prejudice ([Doc. #33](#)) filed on March 18, 2014. [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\(a\)\(1\)\(A\)](#).

In this instance, the Parties stipulate to the entry of an Order dismissing this action with prejudice, with each party to bear his/its own fees and costs, except as otherwise

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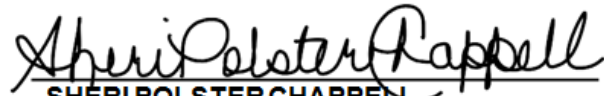
agreed by the Parties. Both Parties have signed the stipulation. Accordingly the matter is due to be dismissed pursuant to [Rule 41\(a\)\(1\)\(A\)\(ii\)](#).

Accordingly, it is now

ORDERED:

- (1) This cause is **DISMISSED with prejudice**.
- (2) The Clerk of the Court is directed to **CLOSE** the case, terminate any pending motions and enter judgment accordingly.

DONE and **ORDERED** in Fort Myers, Florida this 18th day of March, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record