

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DAMIAN SANTOS-GARCIA, SIMON
GUZMAN-ROMERO, TOMAS
HERNANDEZ-SILVERIO and
GUILLERMO MARTINEZ-
HERNANDEZ, individually and on
behalf of all other persons similarly
situated

Plaintiffs,

v.

Case No: 2:14-cv-603-FtM-38CM

JACKSON CITRUS, INC.,

Defendant.

ORDER¹

This matter comes before the Court on Stipulation of Dismissal ([Doc. #25](#)) filed on April 29, 2015. [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\(a\)\(1\)\(A\)](#).

¹ 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, the parties dismiss this action with regard to Plaintiff Thomas Hernandez-Silverio only. All parties have signed the stipulation. As a result, the matter against Hernandez-Silverio is due to be dismissed *without prejudice* pursuant to [Rule 41\(a\)\(1\)\(A\)\(ii\)](#). See [Appleby v. Hickman Const., Inc.](#), No. 1:12cv237-SPM/GRJ, 2013 WL 1197758 (N.D. Fla. Mar. 25, 2013).

Accordingly, it is now

ORDERED:

Pursuant to Stipulation of Dismissal ([Doc. #25](#)) and [Rule 41\(a\)\(1\)\(A\)\(ii\)](#), this action is **DISMISSED without prejudice** with regard to Plaintiff Thomas Hernandez-Silverio, **only**. The Clerk is directed to terminate Plaintiff Thomas Hernandez-Silverio from the docket. This case remains pending as it relates to all other parties.

DONE and **ORDERED** in Fort Myers, Florida this 30th day of April, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record