

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JUAN JUAREZ,

Plaintiff,

v.

Case No: 6:23-cv-1573-JSS-DCI

UNITED STATES OF AMERICA,

Defendant.

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ORDER

Plaintiff has filed a Joint Stipulation for Dismissal with Prejudice. (Joint Stipulation, Dkt. 32.) Because this document is styled a joint stipulation, the court presumes that Plaintiff is seeking dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), which permits a Plaintiff to voluntarily dismiss his case by filing a joint “stipulation of dismissal signed by all parties who have appeared.” Upon review of the docket, the Joint Stipulation is signed by all the parties who have appeared in the lawsuit. Fed. R. Civ. P. 41(a)(1)(A)(ii); *see City of Jacksonville v. Jacksonville Hosp. Holdings, L.P.*, 82 F.4th 1031, 1034 (11th Cir. 2023) (“Rule 41(a)(1)(A)(ii) . . . permits a plaintiff to dismiss an action without a court order by filing ‘a stipulation of dismissal signed by all parties who have appeared.’”) (quoting Fed. R. Civ. P. 41(a)(1)(A)(ii)).

Out of an abundance of caution, given the confusion as to whether the United States Postal Service has appeared in this case, (*see* Dkt. 18), the court alternatively construes the Joint Stipulation as a motion to dismiss this case under Rule 41(a)(2),

which provides for dismissal upon court order “on terms that the court considers proper.” *See Sanchez v. Discount Rock & Sand, Inc.*, 84 F.4th 1283, 1292 (11th Cir. 2023) (“Rule 41(a)(2), by its plain language, doesn’t require a motion . . . [a]nd, several times, we’ve approved dismissal orders that treated Rule 41(a)(1)(A) notices and stipulations as requests for a Rule 41(a)(2) court order.”). The court finds the terms the parties seek in the Joint Stipulation to be proper, and so grants Plaintiff’s construed motion for dismissal under Rule 41(a)(2).

Accordingly, this case is **DISMISSED with prejudice**. The parties shall bear their own costs, attorney fees, and expenses. The court expressly does not retain jurisdiction over the above-captioned action, this settlement, or the United States. The Clerk is **DIRECTED** to terminate any pending motions and deadlines and to close this case.

ORDERED in Orlando, Florida, on March 5, 2025.



JULIE S. SNEED
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record