

United States District Court
for the
Southern District of Florida

Juan Carlos Gil, Plaintiff,)
)
)
v.)
)
Brinker International, Inc. dba) Civil Action No. 16-24805-Civ-Scola
www.chilis.com, Defendant.)
)

Order of Dismissal

On February 21, 2017 the Court administratively closed this case in response to the parties' notice that they had settled the matter. The Court gave the parties until March 21, 2017 to file their closing papers. To date, they have failed to file the necessary closing papers but Plaintiff Juan Carlos Gil has instead filed a "Notice of Filing Consent Judgment" (ECF No. 14). Gil has also submitted a proposed "Order Approving Consent Judgment." (*Id.*) Both documents include a line left blank for the Court's signature.

As an initial matter, a district court may dismiss a case, on its own initiative, if a plaintiff abandons its prosecution of the suit. *Compare* Fed. R. Civ. P. 41(b) *with* *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962). Courts are vested with this inherent power "to manage their own affairs so as to achieve the orderly and expeditious disposition of cases" and "to clear their calendars of cases that have remained dormant because of the inaction or dilatoriness of the parties seeking relief." *Id.* The Court finds that the parties have abandoned their prosecution and defense of this matter. The Court therefore **dismisses** this case with prejudice, and directs the Clerk of the Court to **close** the matter. All pending motions, if any, are **denied** as moot.

Secondly, the Court declines Gil's invitation to sign the judgment and the order. This action was brought pursuant to the Americans with Disabilities Act. The ADA does not require Court approval or ratification of settlements between litigants and the parties have not offered a reason why such approval or ratification is necessary in this case. The Court will, however, reserve jurisdiction to enforce the parties' settlement agreement.

Done and ordered in chambers, at Miami, Florida, on April 7, 2017.



Robert N. Scola, Jr.
United States District Judge