

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
SPRINGFIELD DIVISION

LARRY BOYD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 11-2232
	)	
CARLE FOUNDATION HOSPITAL,	)	
	)	
Defendant.	)	

OPINION

SUE E. MYERSCOUGH, U.S. District Judge.

On January 17, 2013, Plaintiff Larry Boyd, appearing pro se, filed an Unopposed Motion for Voluntary Dismissal With Prejudice Pursuant to Federal Rule of Civil Procedure 41 (d/e 25). Plaintiff requested that the Court dismiss the action with prejudice but retain jurisdiction to enforce the settlement.

In a Text Order dated January 17, 2013, this Court advised Plaintiff that the Court could not retain jurisdiction to enforce a settlement merely by stating that it was retaining jurisdiction. Therefore, the Court asked that Plaintiff either file a Motion that did not request that the Court retain jurisdiction or otherwise advise the Court how he wished to proceed.

On January 24, 2013, Plaintiff sent the Clerk's office page 2 of a document requesting the Court enter an Order dismissing the action with prejudice and also containing Plaintiff's signature. See d/e 27-1. The Clerk's office also obtained from defense counsel a copy of the Unopposed Motion for Voluntary Dismissal With Prejudice Pursuant to Federal Rule of Civil Procedure 41 that defense counsel had provided to Plaintiff for filing following the Court's first text order. See d/e 27 (removing the retain-jurisdiction language). In a Text Order dated January 24, 2013, this Court directed Plaintiff to advise the Court, in writing and by January 30, 2013, whether the Motion provided by defense counsel (d/e 27) was the Motion Plaintiff intended to file in response to the Court's January 17, 2013 Text Order.

Plaintiff failed to advise this Court. Therefore, Plaintiff's Unopposed Motion (d/e 27), provided by Defendant and to which Plaintiff provided the signature page (d/e 27-1) is GRANTED. The original Unopposed Motion (d/e 25) is DENIED AS MOOT.

For the reasons stated, Plaintiff's Unopposed Motion for Voluntary Dismissal With Prejudice Pursuant to Federal Rule of Civil Procedure 41 (d/e 27) is GRANTED. This cause is dismissed,

with prejudice, each side to bear his or its own costs. CASE  
CLOSED.

ENTER: February 5, 2013

FOR THE COURT:

          s/Sue E Myerscough  
SUE E. MYERSCOUGH  
UNITED STATES DISTRICT JUDGE