

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CORALYNN E. WHITE,

Plaintiff,

v.

JOSEPH JAMES FITZPATRICK, *et al.*,

Defendants.

Case No. 3:17-cv-00087-JPG-RJD

MEMORANDUM & ORDER

J. PHIL GILBERT, DISTRICT JUDGE

This matter comes before the Court on the Stipulation of Dismissal (Doc. 54) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). That rule allows dismissal of an action without a court order if the notice of dismissal is signed by all parties who have appeared in the case. But here, the only parties that have signed the stipulation are the plaintiff and defendant Jay Staser. There is no indication that defendants Joseph James Fitzpatrick, Amber Fitzpatrick, Thomas Wuest, Mark Berndsen, and the City of Breese, Illinois—all parties that have appeared in this case—have signed and consented to the stipulation. Accordingly, the Court finds that the Stipulation of Dismissal **FAILS** to meet the voluntary dismissal requirements of Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Jay Staser remains as a defendant in this case at this time.

IT IS SO ORDERED.

DATED: NOVEMBER 20, 2017

**s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE**