

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

HANYUAN DONG,	)	
	)	
Plaintiff	)	
	)	
vs.	)	CAUSE NO. 2:08-CV-192 RM
	)	
VIRGINIA GARCIA,	)	
	)	
Defendant	)	

OPINION and ORDER

This cause is before the court on the motion of Hanyuan Dong for the court to retain jurisdiction over the action to adjudicate liens on the settlement. No response has been filed, and the time for doing so has passed.

Mr. Dong's claims relate to injuries he received when Virginia Garcia's vehicle ran into his car and pushed the car into him while he was pumping gas. After the close of discovery, a status conference was scheduled for December 7, 2009 to set a dispositive motion deadline and a trial date. On November 16, the parties filed their joint stipulation of dismissal, seeking dismissal of the complaint with prejudice based on counsel's representation that "all disputes with the parties have been resolved and fully settled." The court entered an "Order of Dismissal" the following day vacating the status conference and dismissing the action with prejudice. On December 3, Mr. Dong filed his request that the court retain jurisdiction "for the sole purpose of adjudicating [his] medical providers liens" if it becomes necessary to formally adjudicate any such lien. Mot., ¶ 4.

The court dismissed this case with prejudice on November 17, 2009 pursuant to the parties' joint stipulation. No settlement agreement was filed, and the court didn't retain jurisdiction to enforce a settlement or any resulting liens. The court, thus, no longer has jurisdiction to make further rulings on substantive issues in this case. "[A] case that is dismissed with prejudice is unconditional; therefore, it's over and federal jurisdiction is terminated." Hill v. Baxter Healthcare Corp., 405 F.3d 572, 576 (7th Cir. 2005). Accordingly, the plaintiff's motion to retain jurisdiction [docket # 34] is DENIED.

SO ORDERED.

ENTERED: December 23, 2009

/s/ Robert L. Miller, Jr.  
Chief Judge  
United States District Court