

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

ABAYOMI OLOYEDE, LEATHE	)	
OLOYEDE, AFOLABI AJAYI, and	)	
OYENIKE AJAYI,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	CAUSE NO. 2:17-cv-92
	)	
RUPINDER SINGH, and SHERGILL	)	
TRANSPORTATION, INC.,	)	
	)	
Defendants.	)	

**OPINION AND ORDER**

This matter is before the Court on the Joint Motion to Voluntarily Dismiss, filed by the parties on February 27, 2018 (DE #21).

The parties move to dismiss this case with prejudice pursuant to a settlement under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). All parties have properly signed the motion. However, along with the motion to dismiss, the parties attached a joint stipulation requesting dismissal. In the joint stipulation, the parties state the Court will "retain jurisdiction for purposes of enforcing the terms of the Parties' settlement agreement and/or for assistance in resolution of liens." (DE #21-1 at 1.) This is problematic. On point Seventh Circuit law states that "a district judge cannot dismiss a suit with prejudice, thus terminating

federal jurisdiction, yet at the same time retain jurisdiction to enforce the parties' settlement that led to the dismissal with prejudice." *Shapo v. Engle*, 463 F.3d 641, 643 (7th Cir. 2006); see also *Lynch, Inc. v. SamataMason Inc.*, 279 F.3d 487, 489 (7th Cir. 2002) ("An initial question is the significance of that purported retention [of jurisdiction]. It had no significance. Having dismissed the entire litigation, the court had no jurisdiction to do anything further . . . .").

In light of the foregoing, it seems the Court cannot retain jurisdiction over this action in the manner requested by the parties. Accordingly, it is **HEREBY ORDERED** that: within 10 days from the date of this Order, the parties shall either file an amended stipulation of dismissal (without any language purporting that the Court retain jurisdiction), or otherwise advise the Court how they wish to proceed with respect to the relief requested in the pending Motion to Voluntarily Dismiss.

**DATED: March 12, 2018**

**/s/ RUDY LOZANO, Judge  
United States District Court**