

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GARY HENSON,)	
BECKY HENSON,)	
Plaintiff,)	
)	
vs.)	No. 4:11CV2245 HEA
)	
IRONTON, CITY OF,)	
)	
Defendant.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Motion to Enforce Settlement [Doc. No. 30] filed by Defendant. Plaintiff has filed opposition to the motion. For the reasons stated below the motion is denied.

Factual Background

This case came before this court on removal jurisdiction on December 30, 2011. Subsequent to that the court was informed that the parties had achieved a settlement. Thereafter, on November 15, 2012 the Plaintiffs filed a Stipulation for Dismissal with Prejudice, [Doc. No. 28], which the court ordered and entered. On July 3, 2013 Defendant filed its Motion to Enforce Settlement.

Discussion

It is elementary that Article III courts are courts of limited jurisdiction. “They possess only that power authorized by the Constitution and statute...” “It is

to be presumed that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction....” *Kokkonen v. Guardian Life Insurance Company of America*, 114 S. Ct. 1673, 511 U. S. 375, 377(S Ct., 1994) (citations omitted). The Court entered dismissal in this matter pursuant to Federal Rule of Civil Procedure 41 (a) (1) (ii). There was nothing in the order of dismissal or in the Settlement Agreement attached as a exhibit in the filings wherein the Court retained any jurisdiction over the settlement agreement between the parties. As such this Court is without subject matter jurisdiction to entertain this dispute.

Accordingly,

IT IS HEREBY ORDERED that the Motion to Enforce Settlement [Doc. No. 30] is denied.

Dated this 22nd day of January, 2014.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE