

that Bryant did not file another action against him. *See* Dkt. 112. Two days later, on August 24, 2017, Bryant filed a Notice of Withdrawal of Voluntary Dismissal and an accompanying declaration (the “Declaration”). *See* Dkt. 114-15. The Declaration explained that Bryant withdrew the Notice, she did not consent to Monaghan’s proposed stipulation, and “[i]f a Voluntary Dismissal is to be by stipulation of the Parties, . . . then this Plaintiff also demands to set terms of a stipulation of Voluntary Dismissal, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).” *See* Dkt. 115 at 2. Accordingly, Bryant requested that Monaghan continue to work out stipulations with her for a voluntary dismissal. *See id.* at 3.

One week later, on September 1, 2017, Monaghan filed a letter with the Court claiming that “[t]here is no Federal Rule of procedure for changing your mind” and consenting to a dismissal with prejudice. *See* Dkt. 116 at 1. Hence, he requests that the Court enter an order confirming Bryant’s request for a dismissal of this action with prejudice and without costs to any party. *See id.* at 2.

The Court cannot do as Monaghan requests. No stipulation of dismissal “signed by all parties” was filed with the Court under Rule 41(a)(1)(A)(ii). Even if the Court construes the Notice as a request for dismissal under Rule 41(a)(2), Bryant has withdrawn the request, and Monaghan cites no authority providing that such a withdrawal is invalid. Under these circumstances, it would be improper for the Court to dismiss the action with prejudice. Therefore, Bryant’s Notice at Docket 113 is deemed withdrawn.

Dated: New York, New York
March 13, 2018

SO ORDERED



PAUL A. CROTTY
United States District Judge

Copies Mailed to:

Ms. Anne Bryant
2601 Jefferson Circle
Sarasota, FL 34239

Ms. Anne Bryant
P.O. Box 418
Stony Point, NY 10980