

United States District Court
Southern District of Texas

ENTERED

October 11, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

CAROL SULLIVAN, PH.D.,

Plaintiff,

VS.

TEXAS A&M UNIVERSITY -
KINGSVILLE,

Defendant.

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CIVIL NO. 2:15-CV-231

ORDER

BE IT REMEMBERED that on October 11, 2016 the Court considered the parties' stipulation of dismissal with prejudice pursuant to FRCP 41(a)(1). Dkt. No. 15, Attach. 1.

On July 14, 2016, Plaintiff notified the Court that the parties have settled this case. Notice of Settlement, Dkt. No. 13. Plaintiff represented that finalizing the settlement would take up to, and possibly more than, 90 days because Defendant is an agency of the State of Texas. *Id.* Based on the representations in Plaintiff's Notice of Settlement, this Court stayed all outstanding deadlines set in the scheduling order and vacated the setting for docket call and final pretrial conference. Order, Dkt. No. 14.

Federal Rule of Civil Procedure 41 states, in part, that "the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A)(ii). "[A] voluntary order of dismissal requested by both parties is effective upon filing and

does not require the approval of the court.” *SmallBizPros, Inc. v. MacDonald*, 618 F.3d 458, 461 (5th Cir. 2010) (quoting *Ramming v. Natural Gas Pipeline Co. of Am.*, 390 F.3d 366, 369 n.1 (5th Cir. 2004)). Here, the motion is accompanied by a proposed order dismissing the case with prejudice, which is “[a]greed” to and signed by both parties to the action. *See* Dkt. No. 15, Attach. 1.

In accordance with the signed proposed order, Dkt. No. 15, Attach. 1, and Rule 41(a)(1)(A)(ii), the Court **DIRECTS** the Clerk to close the above-captioned case.

SIGNED this 11th day of October, 2016.

A handwritten signature in black ink, appearing to read "Hilda Tagle", written in a cursive style.

Hilda Tagle
Senior United States District Judge