

United States District Court
Southern District of Texas

ENTERED

September 05, 2017

David J. Bradley, Clerk

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

MARGARITO RIOJAS,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL NO. 2:16-CV-195
	§	
WASTE FACILITIES, INC.,	§	
	§	
Defendant.	§	

ORDER

BE IT REMEMBERED that on September 5, 2017, the Court considered the Joint Stipulation of Dismissal with Prejudice (Dkt. No. 18) in the above-captioned case.

The Parties provide that Plaintiff Margarito Riojas (“Riojas”) “moves to dismiss his claims with prejudice” and that Defendant Waste Facilities, Inc. (“Waste Facilities”), who has answered, “agrees to and joins with the dismissal.” *Id.* at 1 (also stating that the dismissal “is with prejudice to re-filing”). The Parties also state that the stipulation is entered pursuant to the provisions of Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

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)).

This stipulation is signed by counsel Riojas and counsel for Waste Facilities. In accordance with the Joint Stipulation of Dismissal and Rule 41(a)(1)(A)(ii), the

Court **ORDERS** that the claims in the above-captioned case are **DISMISSED WITH PREJUDICE**.

The Clerk of the Court is **DIRECTED** to close the case.

SIGNED this 5th day of September, 2017.

A handwritten signature in black ink, appearing to read "Hilda Tagle", written over a horizontal line.

Hilda Tagle
Senior United States District Judge