

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

STELLA AGU

Plaintiff,

v.

DEPARTMENT OF MENTAL HEALTH &
ADDICTION SERVICES

Defendant.

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CIVIL ACTION NO.
3:09-CV-02143 (VLB)

October 3, 2013

ORDER DENYING PLAINTIFF'S VOLUNTARY DISMISSAL [Dkt. 136]

Plaintiff Stella Agu has filed a "Voluntary Dismissal" seeking to dismiss the matter with prejudice. [Dkt. 136.] Pursuant to Federal Rule of Civil Procedure 41, a plaintiff may not voluntarily dismiss an action where, as here, the opposing party has served an answer, Dkt. 63, without a stipulation of dismissal signed by all parties who have appeared. Fed. R. Civ. P. 41(a)(1)(A)(ii).¹ Plaintiff's Voluntary Dismissal is denied for failure to comply with Rule 41. THE COURT IS PREPARED TO DISMISS THE ACTION WITH PREJUDICE UPON THE FILING OF A STIPULATION OF DISMISSAL SIGNED BY ALL PARTIES WHO HAVE APPEARED, AS REQUIRED BY RULE 41.

¹ The relevant text of Rule 41: "Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A)(i)-(ii).

IT IS SO ORDERED.

/s/
Hon. Vanessa L. Bryant
United States District Judge

Dated at Hartford, Connecticut: October 3, 2013