



Bennett v. Hall et al

2021 | Cited 0 times | N.D. Mississippi | September 2, 2021

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI

GREENVILLE DIVISION DEVIN BENNETT PLAINTIFF v. No. 4:20CV26-JMV COMMISSIONER
PELICIA HALL, ET AL. DEFENDANTS

ORDER GRANTING PLAINITFF'S MOTION [51] TO DISMISS, DISMISSING CASE PURSUANT
TO STIPULATION OF DISMISSAL,

DISMISSING AS MOOT PENDING MOTIONS [39], [45] This matter comes before the court on the motion [51] by the plaintiff to dismiss this case in accordance with an attached stipulation of dismissal, which the defendants have joined [52]. Under Fed. R. Civ. P. 41(a)(1)(A)(ii), "[T]he plaintiff may dismiss an action without a court order by filing ... a stipulation of dismissal signed by all parties who have appeared." Indeed, "[a] stipulation of dismissal ... ordinarily – and automatically— strips the district court of subject-matter jurisdiction. This typically means that any action by the district court after the filing of [the] stipulation can have no force or effect." Nat'l City Golf Fin. v. Scott , 899 F.3d 412, 415– 16 (5 th

Cir. 2018) (cleaned up). Under Rule 41, "[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice." Fed. R. Civ. P. 41(a)(1)(B).

As the court may no longer exercise subject matter jurisdiction over this case, the plaintiff's motion [51] to dismiss is GRANTED, and the instant case is DISMISSED without prejudice under Fed. R. Civ. P. 41(a)(1)(A)(ii). In light of this ruling, the defendants' Motion [39] for Summary Judgment and the plaintiff's Motion [45] to Stay Defendants' Motion for Summary Judgment are DISMISSED as moot.

SO ORDERED, this, the 2nd day of September, 2021.

/s/ Jane M. Virden UNITED STATES MAGISTRATE JUDGE

Case: 4:20-cv-00026-JMV Doc #: 54 Filed: 09/02/21 1 of 2 PageID #: 189 Case: 4:20-cv-00026-JMV Doc
#: 54 Filed: 09/02/21 2 of 2 PageID #: 190

