## **United States District Court**

EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

BRIAN MCCARLEY (EXECUTOR	§
OF ESTATE, LIVING TRUST OF	§
HOMESTEAD), and	§
MARY ANN MCCARLEY,	§
	§
Plaintiffs,	§
	§
V.	§
	§
AMERICAN ADVISORS GROUP	§
CELINK REVERSE MORTGAGE	§
FUNDING (RMF),	§
	§
Defendant.	§

Civil Action No. 4:22-cv-521-ALM-KPJ

## **ORDER OF DISMISSAL**

Pending before the Court is the parties' Joint Stipulation of Dismissal Without Prejudice (the "Stipulation") (Dkt. #10). In the Stipulation, the parties request dismissal of all claims between them without prejudice under Fed. R. Civ. P. 41(a)(1)(A)(ii), with each party to bear its own attorney fees and costs. *Id*.

Federal Rule of Civil Procedure 41(a)(1) provides that a plaintiff may voluntarily dismiss an action without court order in one of two ways: (1) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(i) by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." FED. R. CIV. P. 41(a)(1); or (2) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(ii) by filing "a stipulation of dismissal signed by all parties who have appeared." *Id.* As such, formal court action is not necessary in this case. However, the Court finds that in the interest of efficiency, justice, and maintaining the clarity of the record, an entry of order of dismissal is appropriate. Accordingly, it is hereby **ORDERED**, **ADJUDGED**, **AND DECREED** that this entire action, and all claims asserted therein, is **DISMISSED WITHOUT PREJUDICE**, with each party to bear its own costs and fees.

All relief not previously granted is hereby **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED. SIGNED this 17th day of August, 2022.

AMOS L. MAZZANT **D D** UNITED STATES DISTRICT JUDGE