

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

and

TERRY PIERSOL,

Plaintiff-in-Intervention,

vs.

CITY OF BELEN, NEW MEXICO,

Defendant.

No. CIV 99-0404 PK/KBM

ORDER

THIS MATTER comes on for consideration of Defendant City of Belen's Motion for Dissolution of Settlement Agreement filed March 29, 2004 (Doc. 101).

1. The settlement agreement provides that the court's jurisdiction continues during the life of the agreement. Doc. 83 at 44, ¶ 68. The agreement provides that the City may move to dissolve the agreement three years after its date of entry (June 21, 2000).¹

¹ The agreement provides:

(continued...)

2. The United States does not object to the City's motion or to the dissolution of the agreement pursuant to ¶ 68. Doc. 102. The agreement is thus dissolved. The intervening plaintiff's complaint was dismissed with prejudice in April 2000. Doc. 81. The court's jurisdiction is at an end. The remaining action should now be dismissed with prejudice.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that

(1) Defendant City of Belen's Motion for Dissolution of Settlement Agreement (Doc. 101) is granted and the settlement agreement is dissolved.

(2) This entire action is dismissed with prejudice.

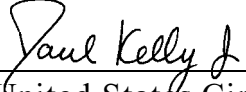
¹(...continued)

XXVIII. JURISDICTION OF THE COURT

68. This Court shall retain jurisdiction of the matters covered by this Agreement for the life of the Agreement for such action as may be necessary or appropriate to effectuate the purposes of this Agreement. After three (3) years have passed from the date of entry of this Agreement, the City may move this Court to dissolve this Agreement if the City can bear the burden of showing that it has substantially complied with the objectives of this Agreement. If the City does not move the Court to dissolve the Agreement at that time, or if the Court denies the City's motion to dissolve the Agreement, the Agreement shall dissolve four (4) years from the date of entry of the Agreement, without further action by the parties. However, at least ninety (90) days before the dissolution of this Agreement, the United States may move to extend the term of this Agreement upon a showing of good cause. Should the United States file a motion to extend the Agreement, this Agreement shall remain in effect until final resolution of the motion.

Doc. 83 at 44-45, ¶ 68.

DATED this 7th day of April 2004, at Santa Fe, New Mexico.



United States Circuit Judge
Sitting by Designation