

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

GARY SIPPLE and ANNETTE SIPPLE,

*Plaintiffs,*

v.

WILLAM H. MEYER et al.,

*Defendants.*

Case No. 23-4108-EFM

**MEMORANDUM AND ORDER**

Before this Court is Defendant Jared Muir’s Motion to Dismiss (Doc. 26). On December 14, 2023, Defendant Muir filed a Rule 12(b)(6) motion requesting that he be removed from Plaintiffs Gary and Annette Sipple’s suit based on their failure to make factual allegations against him.

On February 12, 2024, Plaintiffs filed a Verified Emergency Petition for Temporary Restraining Order And/Or Preliminary Injunction (Doc. 47). In it, Plaintiffs agreed that Jared Muir should be dismissed from this suit. Specifically, paragraph 10 states: “Plaintiffs would like for this Court to dismiss Jared Muir from this action.”

The Court recognizes that pro se plaintiffs are held to “less stringent standards than . . . lawyers.”<sup>1</sup> Thus, even though Plaintiffs should have filed a notice of voluntary dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the Court concludes that

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<sup>1</sup> *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

paragraph 10 in the Plaintiffs' Verified Emergency Petition suffices as such.

**IT IS THEREFORE ORDERED** that Defendant Muir's Motion to Dismiss (Doc. 26) is **GRANTED**. Plaintiffs' claims against Defendant Muir are dismissed with prejudice and Defendant Jared Muir shall be dismissed from this case.

**IT IS SO ORDERED.**

Dated this 29thth day of March, 2024.

A handwritten signature in black ink, reading "Eric F. Melgren". The signature is written in a cursive, flowing style.

ERIC F. MELGREN  
CHIEF UNITED STATES DISTRICT JUDGE