

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
JOHNNY RAY CHANDLER, SR.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 06-0664 (PLF)
)	
UNITED STATES PAROLE)	
COMMISSION, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

MEMORANDUM OPINION AND ORDER

On August 8, 2014, the Court denied Mr. Chandler’s motion for summary judgment on his statutory claim but granted it on his procedural due process claim. See Chandler v. United States Parole Comm’n, 60 F. Supp. 3d 205, 213-14, 224-25 (D.D.C. 2014); ORDER [Dkt. 162]. Both parties appealed, but defendants subsequently withdrew their appeal. See ORDER, No. 14-5255 (D.C. Cir. Oct. 29, 2014) [Dkt. 169]. The D.C. Circuit thereafter dismissed Mr. Chandler’s appeal for lack of prosecution. See ORDER, No. 14-5264 (D.C. Cir. July 6, 2015). On August 21, 2015, the Court directed the parties to meet and confer about how the case should proceed, specifically as to the disposition of Mr. Chandler’s statutory claim. See Dkt. 171 at 2.

Neither the Court nor the parties have authority to dismiss only the statutory claim under Rule 41(a) of the Federal Rules of Civil Procedure. See Featherston v. District of Columbia, 910 F. Supp. 2d 1, 11 (D.D.C. 2012) (explaining that Rule 41(a)’s use of the term “an action” means a plaintiff’s voluntarily dismissal of the entire case, “not partial dismissal of

‘fewer than all the claims’” (quoting Sudnick v. Dep’t of Def., 474 F.Supp.2d 91, 95 n.3 (D.D.C. 2007))).

Therefore, in order to achieve the result that the parties seek—that is, dismissal of Mr. Chandler’s statutory claim, see JOINT STATUS REPORT, Dkt. 173 at 1—it is hereby

ORDERED that the parties meet and confer to determine which party should move to bring about the resolution of Mr. Chandler’s statutory claim. The Court sees at least three possible options:

1. Mr. Chandler may move for leave to amend his complaint under Rule 15(a) of the Federal Rules of Civil Procedure, seeking to withdraw the statutory claim;
2. Defendants may move for summary judgment on the statutory claim under Rule 56(a) of the Federal Rules of Civil Procedure; or
3. Defendants may move for judgment on the pleadings on the statutory claim under Rule 12(c) of the Federal Rules of Civil Procedure; and it is

FURTHER ORDERED that whichever party is to file an appropriate motion, that party must do so on or before February 1, 2016.

SO ORDERED.

/s/

PAUL L. FRIEDMAN
United States District Judge

DATE: January 4, 2016