

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

CONGRESSWOMAN CORRINE BROWN,
JOHNNY BROWN, THEODORE BROWN,
MARY LAWSON BROWN, MARY L. GEORGE,
CRYSTAL R. BROWN, JUSTIN CAMPBELL,
FERRILL HILL, MARGIE KELLY CODY,
JOSEPHINE HALL, SANDRA JACKSON,
MAMIE JACKSON, WILFRED W. REDDICK,
JR., SHANTEZ ROBINSON, CARRIE DAVIS,
JEAN REDDICK, ALVIN SHEPARD, CURTIS
WALKER, PHYLLIS JOHNSON, JEROME
BROWN, JOANN M. BROWN, HAZEL D. GILLIS,
ANTONIA G. BRYANT, EULIE B. JOHNSON,
LAVONNE P. MITCHELL, DARRYL MACK,
ANTHONY MACK, DORETHA MACK, CONSTANCE
S. HALL, SHAKUR ALI, MICHAEL ASHLEY,
LAWRENCE AVERBECK, ANITA BAILEY, LEON
BERRIER, DANIEL L. COLE, JASMINE CROMWELL,
TRICIA DUNLAP, LA' DAISHA EVANS, JAMES
FREEMAN, RUSSELL T. GASKIN, CLARETHA S.
HICKS, TEVIN HENDERSON, MITZI HUTCHINSON,
ANGELIQUE MATTHEWS, ANNA MCLAUGHLIN,
EDWIN MERRITT, LILLIE P. POWELL, TAURICE
RICKS, DEVIN ROBERTS, CARY P. ROBINSON,
ALEXANDRA SAFFICE, SHAKA SHABAZZ, FELICIA
SMITH, RICHARD ALAN SPAULDING, WILLIE
THOMAS, TEAONNDA THOMPSON, RODERIC
TURNER, MARY S. ADAMS, JOY GREGORY, WILBERT
GREGORY, CARLOTTA L. GUYTON, LUELLE
MCQUEEN, DOROTHY M. OLIVER, JACOBY
PITTMAN, BARON RIVERS, KIMBERLY RIVERS,
ANMENIA SHAHAB, NEEMA YA NATHIERI,
MELVIN A. PHILPOT, VELMA WILLIAMS,
BEVERLYE COLSON NEAL, TYRONE FIELDS,
GLORIA R. GREEN, MAXINE S. HIXON, REBECCA
JOHNSON, NEVA SPANN-KIRKLAND, SUSIE L.
JOHNSON HARRIS, EDDIE L. JAMES, BENTLEY
M. CAREY, DWYCE L. ROSS, KENNETH WALKER,
TIFFANY WARE, VANESSA WILLIAMS, CHARITA FINCH,

Case No.: 4:15-cv-00398-MW-CAS

LAVENIA MAY, DR. ROLOUS A. FRAZIER, JR., DOROTHY FLUITT, SHEILA B. SMITH, CLARISE REDDICK, DAISY BALES, CONSTANCE BANGO, DELORIS R. SHEPHERD, VERNON MCQUEEN, HERBERT WILLIAMS JR., ROD ZEIGLER, ROYCE FLAGLER, MABLE BUTLER, JEAN CAMPBELL, WILLIE CAMPBELL, ELLA MAE CAMPBELL, KALEIGH CAMPBELL, MIA CAMPBELL, WALTER DULES WILLIAMS, LULA COOKS WILLIAMS, ROBERTA WILLIAMS, DANIEL J. WILLIAMS, IDA M. CARSON, JUANITA SANDERS, CHERYLL DANIELS, EDDIE A. BENN, RICH SLEET, MARIA T. BARNES, ALLEN WIGGINS, HENRIETTA J. TICE, JASMINE MCKAY, LATOYA DAVIS, AND LULA DAVIS,

Plaintiffs,

vs.

KEN DETZNER, in his official capacity as Secretary of State of the State of Florida, THE FLORIDA SENATE and THE FLORIDA HOUSE OF REPRESENTATIVES,

Defendants.

**PLAINTIFFS' UNOPPOSED MOTION TO VOLUNTARILY DISMISS APPEAL
IN THE UNITED STATES SUPREME COURT**

Plaintiffs, by and through undersigned counsel, hereby move to dismiss their appeal filed in the United States Supreme Court. In support thereof, Plaintiffs state as follows:

1. On August 12, 2015, Plaintiffs filed this action against the Defendants alleging *inter alia* that Defendants had violated the Plaintiffs' rights under Section 2 of the Voting Rights Act. (Doc. 1).
2. In addition to the Complaint, Plaintiffs also filed a Motion for Preliminary Injunction seeking preliminary injunctive relief for said violation. (Doc. 3).

3. This Court held oral argument on the Plaintiffs' motion on March 25, 2016. Following that argument, the Court gave the parties a brief period of time to supplement the record at which time the Court would rule on the merits of Plaintiffs' claim. On April 18, 2016, this Court entered its Order denying Plaintiffs' Motion for Preliminary Injunction and denying Plaintiffs' claim on the merits. On April 19, 2016, this Court entered judgment in favor of the Florida Senate, the Florida House of Representatives and Intervenor Defendants. The Court noted that it would have entered judgment in favor of the Florida Secretary of State, however, at that time the Secretary had an ongoing appeal to the Eleventh Circuit of this Court's denial of their motion to dismiss raising sovereign immunity grounds.

4. On April 25, 2016, Plaintiffs filed a Notice of Appeal indicating they would take a direct appeal to the Supreme Court of this Court's order denying their Motion for Preliminary Injunction. (Doc. 79).

5. While Plaintiffs have filed their notice of appeal, they have not yet filed a jurisdictional statement in the Supreme Court, and thus the case has not been docketed on the Supreme Court's calendar.

6. Plaintiffs now no longer wish to pursue their appeal in the United States Supreme Court and wish to dismiss said appeal.

7. Plaintiffs have conferred with counsel for the Defendants and Intervenor Defendants and they do not oppose this motion.

WHEREFORE, Plaintiffs respectfully request that this Court dismiss its appeal before the United States Supreme Court and dismiss this case with prejudice.

MEMORANDUM OF LAW

Rule 18(5) of the United States Supreme Court Local Rule states as follows:

After a notice of appeal has been filed in the district court, but before the case is placed on the court's docket, the parties may dismiss the appeal by stipulation filed in the district court, or the district court may dismiss the appeal on the appellant's motion with notice to all parties.

The Plaintiffs have filed a Notice of Appeal, however, the Supreme Court has not docketed the Plaintiffs' case. Therefore, dismissal of the Plaintiffs' appeal in this Court is proper as contemplated under the Supreme Court's rules. Plaintiffs therefore request that this Court dismiss their appeal.

Respectfully submitted,



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COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 21, 2016, I electronically filed the foregoing with the Clerk of the Court by using CM/ECF System which will send a notice of electronic filing to the following:

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I HEREBY CERTIFY that on June 21, 2016, a true and correct copy of the foregoing document and the notice of electronic filing was sent by United States Mail to the following non-CM/ECF participants:

N/A



ATTORNEY

swp[brown.corrine.voluntarily.dismiss.ND.appeal]