

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

THE STATE OF NEW YORK,	)	
	)	
	)	<i>Plaintiff,</i>
	)	
vs.	)	Civil Action No.:
	)	1:12-cv-00500-RBW-JWR-RJL
THE UNITED STATES OF AMERICA, and	)	
ERIC H. HOLDER, JR.,	)	
	)	
	)	<i>Defendants.</i>
	)	

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**PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE BASED ON MOOTNESS**

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Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff the State of New York files this Notice of Voluntary Dismissal Without Prejudice Based on Mootness. In support thereof, Plaintiff states as follows:

1. On March 30, 2012, Plaintiff filed this action seeking a declaratory judgment that the State Assembly redistricting plan contained in S.6696-A.9525, as amended by S.6755-A.9584 (the “Assembly Plan”), satisfies Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973c (“Section 5”), and may be enforced by the State of New York. The Assembly Plan creates new district boundaries for electing members of the New York State Assembly, based on the results of the 2010 Census.
2. On March 28, 2012, Plaintiff submitted the Assembly Plan to the Attorney General for administrative preclearance under Section 5. *See* 42 U.S.C. § 1973c(a).
3. On May 18, 2012, the Attorney General informed Plaintiff and the Court that he does not interpose an objection to the Assembly Plan. *See* ECF No. 9; Letter from

Thomas E. Perez, Assistant Attorney General, to C. Daniel Chill, Counsel for the New York State Assembly (May 18, 2012) (ECF No. 9-1).

4. As a result, the Assembly Plan has been administratively precleared and may be enforced under Section 5. *See* 42 U.S.C. § 1973c(a). Thus, this case is “necessarily moot.” *Georgia v. Holder*, 748 F. Supp. 2d 16, 17 (D.D.C. 2010).

5. Under Rule 41, “the plaintiff may dismiss an action without a court order 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)(A)(i).

**WHEREFORE**, Plaintiff the State of New York requests that this Court dismiss this action without prejudice.

Dated: Washington, D.C.  
May 18, 2012

**LEWIN AND LEWIN, LLP**

/s/ Nathan Lewin

By: \_\_\_\_\_

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