

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

GLENN F. McCONNELL, in his official	)	
capacity as President <i>Pro Tempore</i> of the	)	
South Carolina Senate,	)	
	)	Plaintiff,
vs.	)	Civil Action No.
	)	1:11-cv-01794-RLW-TBG-JDB
THE UNITED STATES OF AMERICA <i>and</i>	)	
ERIC H. HOLDER, JR., in his official	)	
capacity as Attorney General of the United	)	
States,	)	
	)	Defendants.

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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 Glenn F. McConnell files this Notice of Voluntary Dismissal Without Prejudice Based on Mootness. In support thereof, Plaintiff states as follows:

1. On October 7, 2011, Plaintiff filed this action seeking a declaratory judgment that the Senate Redistricting Plan contained in Section 2, Part II of S. 815, Act 71 of 2011 (the “Senate 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 South Carolina. The Senate Plan creates new district boundaries for electing members of the South Carolina Senate, based on the results of the 2010 Census.
2. Prior to filing this action, on July 27, 2011, Plaintiff submitted the Senate Plan to the Attorney General for administrative preclearance under Section 5. *See* 42 U.S.C. § 1973c(a).
3. On November 14, 2011, the Attorney General informed Plaintiff that he does not interpose an objection to the Senate Plan. *See* Letter from Thomas E. Perez, Assistant Attorney

General, to Glenn F. McConnell, President *Pro Tempore* of the South Carolina Senate (Nov. 14, 2011) (attached as Exhibit 1).

4. As a result, the Senate 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). Defendants have not yet served an answer or a motion for summary judgment. Consequently, voluntary dismissal is appropriate.

WHEREFORE, Plaintiff Glenn F. McConnell requests that this Court dismiss this action without prejudice.

Respectfully submitted,

**JONES DAY**

/s/ Michael A. Carvin

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