

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,)
)
 Plaintiff,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
 and ERIC H. HOLDER, JR. in his)
 official capacity as Attorney General)
 of the United States,)
)
 Defendants,)
)
 WENDY DAVIS, *et al.*,)
)
 Defendant-Intervenors.)
)

Case No. 1:11-CV-01303
 (RMC-TBG-BAH)
 [Three-Judge Court]

PLAINTIFF’S MOTION TO DISMISS

Plaintiff the State of Texas hereby moves under Federal Rule of Civil Procedure 41(a) to dismiss all claims asserted in its Original Complaint. The Supreme Court ruled in *Shelby County, Alabama v. Holder*, No. 12-96, 2013 WL 3184629 (U.S. June 25, 2013), *reversing* 679 F.3d 848 (D.C. Cir. 2012), that the coverage formula in Section 4(b) of the Voting Rights Act is unconstitutional and “can no longer be used as a basis for subjecting jurisdictions to preclearance.” *Id.* at *18. The Supreme Court then vacated this Court’s judgment. *See Texas v. United States*, No. 12-496, 2013 WL 3213539, *1 (U.S. June 27, 2013). Given that Texas is no longer subject to preclearance, its claims in this Court are now moot.

The State of Texas further advises the Court that on June 23, 2013, the Texas Legislature enacted new electoral districts for the Texas Senate¹, the Texas House of Representatives², and the United States House of Representatives³, and expressly repealed the redistricting statutes for which the State sought declaratory judgment in this case⁴, thus eliminating any basis for this Court's jurisdiction. The State of Texas therefore respectfully requests that the Court enter an order dismissing all claims asserted in this case.

¹ See Tex. S.B. 2, 83d Leg., 1st C.S. (enacting Plan S172).

² See Tex. S.B. 3, 83d Leg., 1st C.S. (enacting Plan H358).

³ See Tex. S.B. 4, 83d Leg., 1st C.S. (enacting Plan C235).

⁴ Tex. S.B. 2 § 3, 83d Leg., 1st C.S. ("Chapter 1315 (Senate Bill No. 31), Acts of the 82nd Legislature, Regular Session, 2011 (Article 193e, Vernon's Texas Civil Statutes), is repealed."); Tex. S.B. 3, art. III, § 3, 83d Leg., 1st C.S. ("Chapter 1271 (H.B. 150), Acts of the 82nd Legislature, Regular Session, 2011 (Article 195a-12, Vernon's Texas Civil Statutes), is repealed."); Tex. S.B. 4 § 3, 83d Leg., 1st C.S. ("Chapter 1 (Senate Bill No. 4), Acts of the 82nd Legislature, 1st Called Session, 2011 (Article 197j, Vernon's Texas Civil Statutes), is repealed.").

Dated: July 3, 2013

Respectfully submitted.

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Solicitor General

J. REED CLAY, JR.
Special Assistant and Senior Counsel
to the Attorney General

ANGELA V. COLMENERO
Assistant Attorney General

MATTHEW H. FREDERICK
Assistant Solicitor General

Office of the Attorney General
P.O. Box 12548, Capitol Station
209 W. 14th Street
Austin, Texas 78701
(512) 936-1342 / (512) 936-0545 (fax)

Attorneys for the State of Texas

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent via the Court's electronic notification system to the following parties on July 3, 2013:

Bryan L. Sells
Daniel J. Freeman
U.S. DEPARTMENT OF JUSTICE
Voting Section, Civil Rights Division
950 Pennsylvania Avenue, NW
NWB Room 7203
Washington, DC 20530
(202) 305-0792
Email: bryan.sells@usdoj.gov
Email: daniel.freeman@usdoj.gov

J. Gerald Hebert
191 Somerville Street, #405
Alexandria, VA 22304
(703) 628-4673 Fax: (202) 736-2222
Email: jghebert@comcast.net

Paul M. Smith
Michael B. DeSanctis
Jessica Ring Amunson
Caroline D. Lopez
JENNER & BLOCK LLP
1099 New York Ave., N.W.
Washington, D.C. 20001

Mark A. Posner
LAWYERS' COMMITTEE FOR CIVIL
RIGHTS
1401 New York Avenue, NW Suite 400
Washington, DC 20005
(202) 307-1388
Email: mposner@lawyerscommittee.org

John M. Devaney
Marc Erik Elias
PERKINS COIE
700 13th Street, NW Suite 600
Washington, DC 20005-3960
(202) 628-6600 Fax: (202) 654-9124
Email: jdevaney@perkinscoie.com
Email: melias@perkinscoie.com

Nina Perales
MEXICAN AMERICAN LEGAL
DEFENSE & EDUCATIONAL FUND,
INC.
110 Broadway Suite 300
San Antonio, TX 78205
(210) 224-5476 Fax: 210-224-5382
Email: nperales@maldef.org

Robert Stephen Notzon
1507 Nueces Street
Austin, TX 78701-1501
(512) 474-7563 Fax: (512) 474-9489
Email: robert@notzonlaw.com

Ray Velarde
1216 Montana Avenue
El Paso, TX 79902
(915) 532-6003
Email: velardelaw2005@yahoo.com

Chad W. Dunn
BRAZIL & DUNN
4201 FM 1960 West Suite 530
Houston, TX 77068
(281) 580-6310
Email: chad@brazilanddunn.com

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Attorney for the State of Texas

