

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE STATE OF NEW YORK,)	
)	
by Dean G. Skelos, in his official capacity as)	
Majority Leader of the New York State)	
Senate,)	
Plaintiff,)	
)	
vs.)	
)	Civil Action No.
THE UNITED STATES OF AMERICA, <i>and</i>)	1:12-cv-00413-RBW-JWR-RJL
)	
ERIC H. HOLDER, JR., in his official)	
capacity as Attorney General of the United)	
States)	
Defendants.)	
)	

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

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 16, 2012, Plaintiff filed this action seeking a declaratory judgment that the State Senate redistricting plan contained in S.6696-A.9525 (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 New York. The Senate Plan creates new district boundaries for electing members of the New York State Senate, based on the results of the 2010 Census.

2. Also on March 16, 2012, Plaintiff submitted the Senate Plan to the Attorney General for administrative preclearance under Section 5. *See* 42 U.S.C. § 1973c(a).

3. On April 27, 2012, 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 Michael A. Carvin, Counsel for the New York State Senate (Apr. 27, 2012) (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 stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii). A stipulation of dismissal signed by all parties is attached as Exhibit 2. Consequently, voluntary dismissal is appropriate.

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

Respectfully submitted,

JONES DAY

/s/ Louis K. Fisher

Michael A. Carvin
D.C. Bar No. 366784
macarvin@jonesday.com
Louis K. Fisher
D.C. Bar No. 475502
lkfisher@jonesday.com
51 Louisiana Avenue, NW
Washington, DC 20001
(202) 879-7643

Counsel for Plaintiff

April 27, 2012