

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff

vs.

ERIC H. HOLDER, JR.,
in His Official Capacity as Attorney
General of the United States,

Defendant.

Case No. 1:12-CV-00128

(RMC, DST, RLW)
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. *Texas v. Holder*, 133 S. Ct. 2886 (2013). Given that Texas is no longer subject to preclearance, its preclearance declaratory judgment claim in this Court is now moot. Because Senate Bill 14 is now in full effect and being implemented in Texas, there is also no longer any need for Texas to pursue its constitutional challenge to Section 5. The State of Texas respectfully requests an order dismissing all of its claims without prejudice.

Dated: August 8, 2013

Respectfully submitted.

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/s/ Jonathan F. Mitchell
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CERTIFICATE OF SERVICE

I certify that on August 8, 2013, a copy of the foregoing was served through the Court's CM/ECF Document Filing System on all opposing counsel in this case.

/s/ Jonathan F. Mitchell

JONATHAN F. MITCHELL

Counsel for the State of Texas