

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,)	
)	
Plaintiff,)	
)	
v.)	
)	
UNITED STATES OF AMERICA,)	Case No. 1:11-CV-01303
and ERIC H. HOLDER, JR. in his)	(RMC-TBG-BAH)
official capacity as Attorney General)	[Three-Judge Court]
of the United States,)	
)	
Defendants,)	
)	
WENDY DAVIS, <i>et al.</i> ,)	
)	
Defendant-Intervenors.)	
)	

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the Texas Senate¹, the Texas House of Representatives², and the United States House of Representatives³, and expressly repealed the redistricting statutes for which the State sought declaratory judgment in this case⁴, thus eliminating any basis for this Court's jurisdiction.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Bill No. 31), Acts of the 82nd Legislature, Regular Session, 2011 (Article 193e, Vernon's Texas Civil Statutes), is repealed."); Tex.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(H.B. 150), Acts of the 82nd Legislature, Regular Session, 2011 (Article 195a-12, Vernon's Texas Civil Statutes), is repealed."); Tex.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Bill No. 4), Acts of the 82nd Legislature, 1st Called Session, 2011 (Article 197j, Vernon's Texas Civil Statutes), is repealed.").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.

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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:

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