

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 Senate<sup>1</sup>, the Texas House of Representatives<sup>2</sup>, and the United States House of Representatives<sup>3</sup>, and expressly repealed the redistricting statutes for which the State sought declaratory judgment in this case<sup>4</sup>, 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.

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

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

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

<sup>4</sup> 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Bill No. 31), Acts of the 82nd Legislature, Regular Session, 2011 (Article 193e, Vernon's Texas Civil Statutes), is repealed."); Tex.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(H.B. 150), Acts of the 82nd Legislature, Regular Session, 2011 (Article 195a-12, Vernon's Texas Civil Statutes), is repealed."); Tex.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*

