

No. 22-10278

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**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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JOHN H. MERRILL,  
in his official capacity as Alabama Secretary of State, *et al.*,  
*Defendants-Appellants,*

v.

EVAN MILLIGAN, *et al.*,  
*Plaintiffs-Appellees.*

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On Appeal from the United States District Court  
for the Northern District of Alabama  
Case No. 2:21-cv-1530-AMM

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**APPELLANTS' MOTION TO VOLUNTARILY DISMISS APPEAL**

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**CERTIFICATE OF INTERESTED PERSONS**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1 and 26.1-2, the undersigned counsel certifies that the following listed persons and parties may have an interest in the outcome of this case:

1. Aden, Leah
2. Aderholt, Hon. Robert
3. Arkansas Attorney General's Office
4. Arkansas, State of
5. Alabama Attorney General's Office
6. Alabama Center for Law and Liberty
7. Alabama State Conference of the NAACP
8. Alabama State Republican Executive Committee
9. American Civil Liberties Union Foundation
10. American Civil Liberties Union of Alabama
11. Arizona Attorney General's Office
12. Arizona, State of
13. Ashton, Anthony
14. Balch & Bingham LLP
15. Barnes, Anna Kathryn
16. Beato, Michael
17. Blankenship, Joel R.

18. Blankenship Law Firm, LLC (The)
19. Bowdre, A. Barrett
20. Branch, Aria C.
21. Brnovich, Hon. Mark
22. Cameron, Hon. Daniel
23. Carl, Jr., Hon. Jerry
24. Carr, Hon. Chris
25. Carter, Brittany
26. Caster, Marcus
27. Chestnut, LaKeisha
28. Clark, Matthew J.
29. Cole, David D.
30. Consovoy McCarthy PLLC
31. Davis, James W.
32. Dowdy, Shalela
33. DuBose, Bobby
34. Dunn, David
35. Ebenstein, Julie
36. Elias Law Group LLP
37. Elias, Marc E.
38. Ellsworth, Jessica L.

39. Faulks, LaTisha Gotell
40. Fitch, Hon. Lynn
41. Gbe, Harmony A.
42. Georgia Attorney General's Office
43. Georgia, State of
44. Greater Birmingham Ministries
45. Harris, A. Reid
46. Harris, Jeffrey M.
47. Hogan Lovells US LLP
48. Holtzman Vogel Baran Torchinsky & Josefiak, PLLC
49. Indiana, State of
50. Jackson, Letitia
51. Jackson, Sidney M.
52. Jones, Benjamin
53. Jordan, Albert L.
54. Kentucky Attorney General's Office
55. Kentucky, Commonwealth of
56. Khanna, Abha
57. Knudsen, Hon. Austin
58. LaCour, Jr., Edmund G.
59. Landry, Hon. Jeff

60. Lawsen, Nicki
61. Louard, Janette
62. Louisiana Department of Justice
63. Louisiana, State of
64. Love, Rodney
65. Madduri, Lalitha D.
66. Manasco, Hon. Anna M.
67. Marcus, Hon. Stanley
68. Marshall, Hon. Steve
69. McClendon, Sen. Jim
70. Meehan, Taylor A.R.
71. Merrill, Hon. John H.
72. Messick, Misty S. Fairbanks
73. Milligan, Evan
74. Mills, Christopher E.
75. Mississippi Attorney General's Office
76. Mississippi, State of
77. Missouri Attorney General's Office
78. Missouri, State of
79. Montana Attorney General's Office
80. Montana, State of

81. Moore, Hon. Barry
82. Moorer, Hon. Terry F.
83. Morrissey, Hon. Patrick
84. Murrill, Elizabeth
85. NAACP (National Headquarters)
86. NAACP Legal Defense & Education Fund, Inc.
87. National Republican Redistricting Trust
88. National Redistricting Foundation
89. Naifeh, Stuart
90. O'Connor, Hon. John
91. Office of the Indiana Attorney General
92. Office of the Oklahoma Attorney General
93. Office of the Texas Attorney General
94. Office of the West Virginia Attorney General
95. Oklahoma, State of
96. Osher, Daniel C.
97. Palmer, Hon. Gary
98. Paxton, Hon. Ken
99. Pardue, Andrew
100. Posimato, Joseph N.
101. Powell, Manasseh

102. Pringle, Rep. Chris
103. Quinn, Connor, Weaver, Davies & Rouco LLP
104. Reyes, Hon. Sean
105. Rogers, Hon. Mike
106. Rokita, Hon. Todd
107. Rosborough, Davin M.
108. Ross, Deuel
109. Rossi, Christina M.
110. Rouco, Richard P.
111. Rutledge, Hon. Leslie
112. Sadasivan, Kathryn
113. Schmitt, Hon. Eric
114. Sedwick, Olivia N.
115. Seiss, Benjamin M.
116. Sheehy, Shawn T.
117. Smith, Brenton M.
118. Smith, Ronald
119. South Carolina Attorney General's Office
120. South Carolina, State of
121. Spero Law LLC
122. Spital, Samuel

123. Stewart, Shelita M.
124. Stone, Khadidah
125. Texas, State of
126. Thomas, Wendell
127. Thompson, Blayne R.
128. Torchinsky, Jason Brett
129. Turrill, Michael
130. Utah Office of the Attorney General
131. Utah, State of
132. Wahl, John
133. Walker, J. Dorman
134. Wallace, Jordan, Ratliff and Brandt, L.L.C.
135. Welborn, Kaitlin
136. Wenger, Edward M.
137. West Virginia, State of
138. Wiggins Childs Pantazis Fisher & Goldfarb, LLC
139. Wilson, Hon. Alan
140. Wilson, Thomas A.
141. Winfrey, Adia



Respectfully submitted this 3rd day of March, 2022.

s/ Edmund G. LaCour Jr.  
Edmund G. LaCour Jr.  
*Counsel for Secretary of State John H. Merrill*

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**MOTION TO VOLUNTARILY DISMISS APPEAL**

The Appellants seek to voluntarily dismiss this appeal. Appellants filed this appeal as a purely protective appeal. As confirmed by the Supreme Court's decision to note probable jurisdiction in Appellants' appeal of the district court's preliminary injunction order, the Supreme Court has now properly exercised its appellate jurisdiction. *See* 28 U.S.C. § 1253.

Rule 42(b) governs Appellants' motion to voluntarily dismiss this appeal. The Rule provides:

The circuit clerk may dismiss a docketed appeal if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any fees that are due. But no mandate or other process may issue without a court order. An appeal may be dismissed on the appellant's motion on terms agreed to by the parties or fixed by the court.

Fed. R. App. P. 42(b).

The Appellees do not object to this dismissal. The parties agree that each party will bear its own attorney's fees and costs for this appeal. The Appellants thus move this Court to enter an order dismissing this appeal without prejudice.

Respectfully submitted,

Steve Marshall  
*Alabama Attorney General*

s/ Edmund G. LaCour Jr.  
Edmund G. LaCour Jr.  
*Solicitor General*

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*Counsel for Secretary of State John  
Merrill*

MARCH 3, 2022

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**CERTIFICATE OF COMPLIANCE**

1. I certify that this motion complies with the type-volume limitations set forth in Fed. R. App. P. 27(d)(2)(A). This motion contains 174 words, including all headings, footnotes, and quotations, and excluding the parts of the motion exempted under Fed. R. App. P. 32(f).

2. In addition, this motion complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14-point Times New Roman font.

s/ Edmund G. LaCour Jr.

Edmund G. LaCour Jr.

*Counsel for Appellant Secretary of State  
John Merrill*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 3, 2022, I filed the foregoing motion using the Court's CM/ECF system, which will serve all counsel of record.

s/ Edmund G. LaCour Jr.

Edmund G. LaCour Jr.

*Counsel for Secretary of State John Merrill*

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