

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

State of Missouri, David Mason, Andrea
McCann, Jessica Fisher, and Phillip
Fisher,

Plaintiffs,

v.

Case No. 4:26-cv-00131-JAR

United States Department of Commerce,
Howard W. Lutnick in his official
capacity as Secretary of Commerce,
United States Census Bureau, George
Cook in his official capacity as Acting
Director of the U.S. Census Bureau,

Defendants.

NOTICE OF VOLUNTARY DISMISSAL

Plaintiffs voluntarily dismiss this action without prejudice pursuant to Rule 41(a)(1)(A)(i) because no party has served an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i); *see also Moses v. City of Perry, Michigan*, 90 F.4th 501, 505–06 (6th Cir. 2024) (holding that a proposed intervenor is not a “party” under Rule 41 and “does not become a party until the district court grants the motion to intervene”); *Wilbur-Ellis Co. v. Gompert*, 181 F.4th 816, 828 (8th Cir. 2026) (“[T]he effect of a voluntary dismissal without prejudice pursuant to Rule 41(a) ‘is to render the proceedings a nullity and leave the parties as if the action had never been brought.’” (internal quotation omitted)); *Rosso v. Magraw*, 288 F.2d 840, 841 (8th Cir. 1961) (holding that a proposed intervenor could not resurrect a case voluntarily dismissed by the plaintiff).

Dated: September 18, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on September 18, 2026, the above was filed electronically through the Court's electronic filing system to be serve electronically on counsel for the parties.

/s/ Louis J. Capozzi III

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