

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

DORIS POWELL,

Plaintiff,

v.

THE STATE OF ALABAMA;
JEFFERSON COUNTY
ELECTION COMMISSION; ALAN
KING, MIKE HALE, and ANNE-
MARIE ADAMS, in their official
capacities as members of the
Jefferson County Election
Commission,

Defendants.

CIVIL ACTION NO.
2:08-cv-1345-LSC

Motion for Voluntary Dismissal

1. The intent of plaintiff Powell in bringing this action was to insure that the people of District 1 were allowed to choose their commissioner in an election – whether held in February or in November.

2. Now that the winner of the February special election is the only candidate on the ballot for the November election, and in light of statements made at the Rule 16 conference on September 3, plaintiff is concerned that the pendency of this action may

interfere with compliance with the Voting Rights Act and the ability of the defendant Election Commission to certify the results of either election.

3. The plaintiff therefore seeks a dismissal without prejudice.

4. The dismissal must be “without prejudice” in order to protect the citizens of District 1 against any future events that may interfere with certification of the winner of either the February or November election for the County Commission.

5. THEREFORE, pursuant to Rule 41(a)(2), Fed.R.Civ.P., plaintiff prays that the Court will dismiss this action without prejudice.

Submitted by,

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CERTIFICATE OF SERVICE

I certify that on 5 September 2008 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys:

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