

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WHOLE WOMAN'S HEALTH, et al.,

Plaintiffs,

v.

JUDGE AUSTIN REEVE JACKSON, et. al.,

Defendants.

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1:21-CV-616-RP

ORDER

On June 15, 2023, Plaintiffs filed a motion to dismiss their remaining claims in this case without prejudice. (Dkt. 114). The Court construes the Plaintiffs' motion as a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(2). Rule 41(a)(2) "allows plaintiffs to freely dismiss their suits, subject to court approval, provided the dismissal does not prejudice any party." *Templeton v. Nedlloyd Lines*, 901 F.2d 1273, 1274 (5th Cir. 1990). Because no party has filed timely opposition, the Court will grant Plaintiffs' motion.

Plaintiffs' remaining claims are **DISMISSED WITHOUT PREJUDICE** as to Plaintiffs' ability to assert preemption, unconstitutionality, and any other defenses in response to subsequent claims that defendants may assert. The Court retains jurisdiction over any subsequent claims for fees and/or costs incurred in this litigation.

As nothing remains to resolve, **IT IS ORDERED** that the case is **CLOSED**.

SIGNED on July 5, 2023.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE