

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

**OCT 24 2017**

**JEFFREY P. COLWELL**  
**CLERK**

John C. Price

Plaintiff

v.

Jeff Sessions, Attorney General of the United States

Defendant

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**PLAINTIFF'S MOTION TO DISMISS 17 – cv -02439**

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Plaintiff Request to dismiss.

1. I am the plaintiff in case 17 – cv -02439, filed on 10/10/2017.
2. I have not initiated service of summons for the case.
3. I have not acted on the consent/nonconsent form for the exercise of jurisdiction by a United States magistrate judge in direct assignment of cases.
4. Rules 23(e), 23.1(c), 23.2, and 66 do not apply to the case.
5. I request that this case 17 – cv -02439 be dismissed under Rule 41 (a)(1)(A)(i).

**Rule 41. Dismissal of Actions**

(a) Voluntary Dismissal.

(1) *By the Plaintiff.*

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared

6. This renders unnecessary the meeting on 11/16/2017 ordered by Magistrate Judge Michael J. Watanabe.

7. Readers of this request may not understand that the present case is notably different from my previous case, 16 – CV – 02905-MJW, which was dismissed by Magistrate Judge Watanabe. The two opening statements help to clarify the difference.

Case 17 – CV -02439

**I. Opening statement**

1. This action requests clarification of Article I of the Constitution. Since the Colorado legislature was unable to redistrict for the House of Representatives following the 1990, 2000, and 2010 censuses, Colorado courts adjudicated the result. In California pursuant to voter approved Propositions 11 and 21 a select committee carried out redistricting in 2011. In the majority of states (37) state legislatures carried out the 2011 redistricting. The three approaches have yielded a preponderance of gerrymandered districts with Representatives chosen by the dominant party in these districts. But the phrase in the Constitution “Members of the House of Representatives, chosen.... by the people of the several states...” should serve as a requirement on House districts, with Plaintiff’s proposed districts providing 189 competitive House seats.

Case 16 – CV – 02905-MJW

**I. Opening statement**

1. As the Colorado legislature failed to create districts for the House of Representatives after the 2010 census, the Denver District Court accepted a proposed redistricting plan which was affirmed on appeal by the Colorado Supreme Court. The plan greatly limits voter choice, as many districts have a political party so dominant that opposition candidates cannot win. Plaintiff requests choice in determining his Representative by acceptance of districts using his methodology.

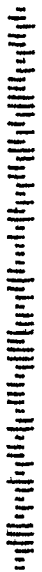
*John C. Price*  
*765 10th Street*  
*Boulder CO 80302-7508*  
*ph 303-939-9991*

John Price  
765 10th Street  
Boulder, CO 80302

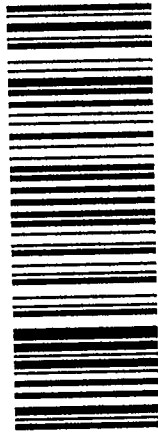
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Alfred A. Arraj Courthouse  
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Denver CO 80294-3589

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