

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARYLAND DEPARTMENT OF
STATE POLICE,

Defendant.

Case No. 1:24-cv-2862

NOTICE OF VOLUNTARY DISMISSAL

Plaintiff United States of America hereby dismisses the above-captioned case pursuant to Federal Rule of Civil Procedure 41(a)(1). The United States has determined not to proceed further in this matter. “Eliminating racial discrimination means eliminating all of it.” *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181, 206 (2023). The United States no longer seeks relief that would require Maryland Department of State Police to prioritize candidates for police officers based in any way on race.

“[P]laintiffs may voluntarily dismiss their claims without a court order.” *Frank v. Gaos*, 586 U.S. 485, 492 (2019) (citing Fed. R. Civ. P. 41(a)(1)(A)). Indeed, a plaintiff’s voluntary dismissal of a case under Rule 41(a)(1)(A)(i) before the defendant either files an answer or moves for summary judgment is “self-executing, *i.e.*, it is effective at the moment the notice is filed with the clerk and no judicial approval is required.” *Marex*

Titanic, Inc. v. Wrecked and Abandoned Vessel, 2 F.3d 544, 546 (4th Cir. 1993) (collecting authorities). The plaintiff’s notice of voluntary dismissal “itself closes the file”; nothing is required from the court and there is “nothing the defendant can do to fan the ashes of that action into life.” *Id.* at 546 n.2 (citation omitted). Indeed, the district court is divested of jurisdiction in the case after the plaintiff’s filing of a notice of voluntary dismissal—the case cannot be reopened and no party can intervene. *See Emory v. Lowe’s Home Ctrs., LLC*, No. 7:20-cv-629, 2021 WL 5361834, at *1 (D.S.C. Jan. 21, 2021) (collecting Fourth Circuit authorities).

Under Rule 41(a)(1)(A)(i)’s plain terms, the only two things that can prevent a plaintiff’s voluntary dismissal without a court order are a defendant’s service of either an answer or a motion for summary judgment. This plain text controls. *See Marex Titanic*, 2 F.3d at 547 & n.6. It therefore does not matter if the parties or the court has expended time and effort to address other filings in a case, or if the court has begun considering the evidence in the case. *See id.* at 547 & n.5.

Here, Defendant Maryland Department of State Police has not served the United States with either an answer or a motion for summary judgment. The United States therefore has the right to voluntarily dismiss this case without a court order, and it hereby does so.

Dated: February 26, 2025

Respectfully submitted,

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APPROVED: 3/3/2025

/s/ - Richard D. Bennett
U.S. Senior District Judge

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2025, I electronically filed the foregoing Notice of Voluntary Dismissal using the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Thomas F. Corcoran