IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

STATE OF TEXAS; HARROLD INDEPENDENT SCHOOL DISTRICT (TX); STATE OF ALABAMA; STATE OF WISCONSIN; STATE OF TENNESSEE; ARIZONA DEPARTMENT OF EDUCATION; HEBER-OVERGAARD UNIFIED SCHOOL DISTRICT (AZ); GOVERNOR OF MAINE PAUL LEPAGE; STATE OF OKLAHOMA; STATE OF LOUISIANA; STATE OF UTAH; STATE OF GEORGIA; STATE OF WEST VIRGINIA; STATE OF MISSISSIPPI; STATE OF KENTUCKY,

Plaintiffs-Appellees,

v.

No. 16-11534

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF EDUCATION; JOHN B. KING, in his Official Capacity as United States Secretary of Education; UNITED STATES DEPARTMENT OF JUSTICE; JEFF SESSIONS, in his Official Capacity as Attorney General of the United States; VANITA GUPTA, in her Official Capacity as Principal Deputy Assistant Attorney General; UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION; JENNY R. YANG, in her Official Capacity as the Chair of the United States Equal Employment Opportunity Commission; UNITED STATES DEPARTMENT OF LABOR; THOMAS E. PEREZ, in his Official Capacity as United States Secretary of Labor; DAVID MICHAELS, in his Official Capacity as the Assistant Secretary of Labor for Occupational Safety and Health Administration,

Defendants-Appellants.

UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL

Pursuant to Federal Rule of Appellate Procedure 42(b), defendants-appellants United States of America et al. hereby move voluntarily to dismiss this appeal "on

terms agreed to by the parties," Fed. R. App. P. 42(b), as follows:

1. Defendants-appellants will dismiss the pending Fifth Circuit appeal. Each party will bear its own fees and costs associated with the appeal.

2. Upon dismissal of the appeal, plaintiffs-appellees State of Texas et al. will voluntarily dismiss their pending lawsuit in district court pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), which will have the effect of vacating the district court's August 21, 2016 preliminary injunction (as clarified by October 18, 2016 order). Each party will bear its own fees and costs associated with the district-court litigation.

3. We have consulted with counsel for plaintiffs-appellees, who have indicated that plaintiffs-appellees do not oppose this motion.

CONCLUSION

For the foregoing reasons, defendants-appellants' unopposed motion for voluntary dismissal should be granted.

Respectfully submitted,

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March 2, 2017

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts exempted by Fed. R. App. P. 32(f), it contains 155 words, according to the count of Microsoft Word. I further certify that this joint motion complies with the requirements of Fed. R. App. P. 32(a)(5) because it has been prepared in Garamond, a proportionally spaced typeface.

/s/ Jeffrey E. Sandberg
Jeffrey E. Sandberg
Attorney, U.S. Department of Justice
Civil Division, Appellate Staff

Counsel for the United States of America, et al.

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2017, I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. I certify that all participants in this case are registered CM/ECF users, and that service will be accomplished by the appellate CM/ECF system.

/s/ Jeffrey E. Sandberg
Jeffrey E. Sandberg
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