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United States of America

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF IDAHO,

Defendant.

Case No. 1:22-cv-329-BLW

STIPULATION OF DISMISSAL

Pursuant to Fed R. Civ P. 41(a)(1)(A)(ii), Plaintiff the United States of America, along with Defendant the State of Idaho and Defendant-Intervenor the Idaho Legislature,¹ hereby stipulate to the dismissal, without prejudice, of all of the United States' claims in this action, each party to bear their own attorney's fees and costs. Thus, the Court's preliminary injunction in this matter (ECF

¹ The Speaker of the Idaho House of Representatives, Mike Moyle; the Idaho Senate President Pro Tempore, Kelly Anthon; and the Sixty-Eighth Idaho Legislature (collectively, the "Idaho Legislature"), were granted limited intervention in the matter to "present[] argument and evidence in opposition to the United States' motion for preliminary injunction." Dkt. 27 at 17; *see also* Fed. R. Civ. P. 25(d). To the extent required by Rule 41, the Idaho Legislature joins in this Stipulation of Dismissal.

No. 95) is dissolved. See *Fundicao Tupy S.A. v. United States*, 841 F.2d 1101, 1103 (Fed. Cir. 1988) (“[A] preliminary injunction is . . . ‘ipso facto dissolved by a dismissal of the complaint.’” (quoting 7 J. Moore, J. Lucas, & K. Sinclair, Jr., *MOORE’S FEDERAL PRACTICE* ¶ 65.07 at 65-114 to 65-115 (2d ed. 1987)); see also *U.S. Philips Corp. v. KBC Bank NV*, 590 F.3d 1091, 1094 (9th Cir. 2010) (quoting *Fundicao Tupy S.A.*, 841 F.2d at 1103).

Upon the filing of this stipulation, “voluntary dismissal is ‘self-executing . . . and no judicial approval is required.’” *Comm. Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1077 n.4 (9th Cir. 1999) (quoting *Marex Titanic, Inc. v. The Wrecked and Abandoned Vessel*, 2 F.3d 544, 546 (4th Cir. 1993)). The district court loses jurisdiction upon this stipulation’s filing. E.g., *Black Rock City, LLC v. Pershing Cnty. Bd. of Comm’rs*, 637 F. App’x 488, 488 (9th Cir. 2016) (mem. decision) (“The district court’s jurisdiction expired roughly six weeks earlier, on November 25, 2013, when the parties filed a stipulation for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1).”). “[V]oluntary dismissal under Rule 41(a)(1) automatically terminates the action without operation of a court order.” *Id.* (citing *Boeing*, 193 F.3d at 1077).

Dated: March 5, 2025

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Respectfully submitted,

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