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No. 08-2352

In The  
UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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UNITED STATES STUDENT ASSOCIATION FOUNDATION, as an organization and representative of its members, AMERICAN CIVIL LIBERTIES UNION FUND OF MICHIGAN, as an organization and representative of its members, AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN, as an organization and representative of its members,

Plaintiffs-Appellees,

and

MICHIGAN STATE CONFERENCE OF NAACP BRANCHES,

Plaintiff,

v

TERRI LYNN LAND, Michigan Secretary of State, and CHRISTOPHER M. THOMAS, Michigan Director of Elections, in their official capacities,

Defendants-Appellants,

and

FRANCES MCMULLAN, City Clerk of the City of Ypsilanti, Michigan

Defendants.

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Appeal from the United States District Court  
Eastern District of Michigan, Southern Division

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**APPELLANTS MICHIGAN SECRETARY OF STATE TERRI LYNN  
LAND AND DIRECTOR OF ELECTIONS CHRISTOPHER M. THOMAS'**  
**MOTION FOR VOLUNTARY DISMISSAL OF APPEAL**

Defendants-Appellants Secretary of State Terri Lynn Land and Director of Elections Christopher M. Thomas, by their attorneys, move this Honorable Court pursuant to Fed. R. App. P. 42, to grant Defendants' motion to voluntarily dismiss the above-captioned appeal:

1. The parties in this case participated in a settlement conference on May 25, 2010, presided over by the Honorable Bernard Friedman of the United States District Court for the Eastern District of Michigan.

2. The conference resulted in a settlement agreement that was placed on the record the same day, and which resolved all pending claims between the parties, including any claim for costs and attorney fees, and called for the dismissal of the case with prejudice.

3. On May 26, 2010, the presiding judge, Honorable Stephen J. Murphy, III, pursuant to the settlement agreement, entered an Order of Dismissal. The Order dismisses the underlying action with prejudice and without costs. (Attachment A).

4. Because the underlying cause of action has now been dismissed, and there are no issues remaining to resolve on appeal, Defendants request that this Court grant their motion to voluntarily dismiss the pending appeal.

WHEREFORE Defendants-Appellants Secretary of State Terri Lynn Land and Director of Elections Christopher M. Thomas, by their attorneys, respectfully request that this Honorable Court grant Defendants' motion for voluntary dismissal of the above-captioned appeal pursuant to Fed. R. App. P. 42.

Respectfully submitted,

MICHAEL A. COX  
Attorney General

*s/Heather S. Meingast*  
Heather S. Meingast (P55439)  
Denise C. Barton (P41535)  
Assistant Attorneys General  
Attorneys for Defendants Land & Thomas  
PO Box 30736  
Lansing, Michigan 48909  
517.373.6434  
Email: [meingasth@michigan.gov](mailto:meingasth@michigan.gov)  
P55439

Dated: June 1, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing as well as via U.S. Mail to all non-ECF participants.

*s/Heather S. Meingast*  
Heather S. Meingast (P55439)  
Denise C. Barton (P41535)  
Assistant Attorneys General  
Attorneys for Defendants Land & Thomas  
P.O. Box 30736  
Lansing, MI 48909-8236  
517.373.6434  
Email: [meingasth@michigan.gov](mailto:meingasth@michigan.gov)  
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