

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

JOHN DOE,

Plaintiff,

v.

JAMES N. MATTIS, in his official capacity as
Secretary of Defense; HEATHER A. WILSON,
in her official capacity as Secretary of the Air
Force, and the UNITED STATES
DEPARTMENT OF DEFENSE,

Defendants.

Case No.: 1:18-cv-01251-RMC

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff John Doe, by and through his counsel, hereby gives notice of voluntary dismissal of this case without prejudice.

2. On May 30, 2018, Plaintiff filed a Complaint for Declaratory and Injunctive Relief in this Court (*see* Dkt. No. 1). Plaintiff later filed the same Complaint with Plaintiff's identity under seal on June 11, 2018 (*see* Dkt. No. 10).

3. Defendants have not answered or moved for summary judgment.

4. Fed. R. Civ. P. 41(a)(1)(A)(i) provides that so long as the opposing party has not yet served either an answer or motion for summary judgment in response to the complaint, a plaintiff may voluntarily dismiss his case without a court order by filing a notice of dismissal. *Little v. Trott & Trott, P.C.*, 2009 WL 4827441, at *1 (D.D.C. Dec. 14, 2009) (citing Fed. R. Civ. P. 41(a)(1)(A)(i)).

5. Plaintiff hereby gives such notice of voluntary dismissal.

6. Thus, this action should be dismissed without prejudice. *See id.* (“As such, Plaintiff’s complaint is automatically DISMISSED WITHOUT PREJUDICE without the need for a court order.” (citing Fed. R. Civ. P. 41(a)(1)(A)(i) and emphasis in original)).

Dated: August 28, 2018

Respectfully submitted,

/s/ Kevin B. Goldstein
Kevin B. Goldstein (D.C. Bar # 1028729)

Peter E. Perkowski (D.C. Bar # 1013980)
PeterP@outserve.org
OUTSERVE-SLDN, INC.
P.O. Box 65301
Washington, DC 20035-5301
T: 1-800-538-7418

Bryce A. Cooper
BCooper@winston.com
Kevin B. Goldstein (D.C. Bar # 1028729)
KBGoldstein@winston.com
Jason Z. Pesick
JPesick@winston.com
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601
T: 1-312-558-5600

Scott A. Schoettes
SSchoettes@lambdalegal.org
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
105 W. Adams Street, Suite 2600
Chicago, IL 60603
T: 1-312-663-4413

Geoffrey P. Eaton* (D.C. Bar # 473927)
GEaton@winston.com
WINSTON & STRAWN LLP
1700 K Street, NW
Washington, DC 20006
T: 1-202-282-5000
F: 1-202-282-5100

Anthony Pinggera*
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
4221 Wilshire Boulevard, Suite 280
Los Angeles, CA 90010
T: 1-213-382-7600

Barton F. Stichman (D.C. Bar # 218834)
Bart_Stichman@nvlsp.org
Rochelle Bobroff (D.C. Bar # 420892)
Rochelle@nvlsp.org
NATIONAL VETERANS LEGAL
SERVICES PROGRAM (NVLSP)
1600 K Street, NW, Suite 500
Washington, DC 20006
T: 1-202-265-8305

Attorneys for Plaintiff

* *Pro hac vice* application forthcoming