

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

SIMRATPAL SINGH,

Plaintiff,

v.

ASHTON B. CARTER, *et al.*,

Defendants.

Civil Action No. 1:16-cv-00399-BAH

**RULE 41(a)(1)(A) NOTICE OF
VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), Plaintiff Captain Simratpal Singh files this notice voluntarily dismissing his claims without prejudice. Captain Singh's dismissal is made with the hopeful expectation that the successful integration of Sikh Americans into the United States military will continue to advance outside the context of this legal proceeding. Captain Singh has reached this conclusion based on the following facts:

- (1) In response to this lawsuit, Defendants granted Captain Singh a "long-term accommodation," extending his earlier accommodation for at least one year from March 31, 2016. Dkt. 26-1 ¶ 6; Dkt. 51-1 at 7.
- (2) Defendants have now provided repeated written assurances to both Captain Singh and this Court that Captain Singh will not be subjected to heightened, individualized testing concerning his helmet and safety mask. *See* Dkt. 35 at 30 n.11; Dkt. 51-1 at 7.
- (3) Defendants have now provided repeated written assurances to Captain Singh and this Court that, although Assistant Secretary of the Army (Manpower & Reserve Affairs) Debra Wada "intends to re-evaluate Plaintiff's accommodation in one year, this does

not require Plaintiff to submit a new accommodation request at that time.” Dkt. 26 at 3; Dkt. 51-1 at 7.

- (4) Defendants have provided written assurances to Captain Singh and this Court that “the Army intends to gather information to develop uniform standards for religious accommodations,” Dkt. 26 at 1; *see also* Dkt 26-1 ¶ 3, presumably for the purpose of ensuring that other Sikhs are accommodated without undue burden on their religious exercise.
- (5) Defendants have now provided written assurances to Captain Singh and this Court that Assistant Secretary Debra Wada “has determined that Plaintiff is not required to submit a new accommodation request” with every new assignment, transfer of duty station, or other significant change in circumstances, including deployment, “as is her discretion under [DODI 1300.17(4)(j)].” Dkt. 51-1 at 15; *see also id.* at 14 (Captain Singh “will not have to re-apply for the same accommodation”).
- (6) The current accommodation provides assurance that no change will be made to Captain Singh’s accommodation without a careful evaluation by Captain Singh’s “chain of command,” and without that evaluation being “expeditiously forwarded” to Secretary Wada for a final determination. Dkt. 26-1 ¶ 2.
- (7) Further, Defendants have now provided clear written assurances to Captain Singh and this Court that any modification to Captain Singh’s accommodation “will be done in compliance with the RFRA standard.” *See* Dkt. 41-1 at 15; Dkt. 51-1 at 7, 14. Thus, a modification that substantially burdened Captain Singh’s religious exercise would only be permissible where Defendants can prove that, as applied to Captain Singh and his specific circumstances, they have a compelling interest to require modification, that

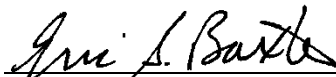
modification is in furtherance of that interest, and that there is no less restrictive means of furthering that interest. *Singh v. Carter*, ---F. Supp.3d---, 2016 WL 837924, at *8 (D.D.C. March 3, 2016).

Because these facts indicate that for at least one year, Captain Singh will not be subjected to adverse treatment because of his Articles of Faith, by which time Captain Singh expects that the Army will have legally sufficient accommodation guidelines in place, Captain Singh voluntarily dismisses this action with the expectation that the Army will act in good faith.

Should the Army fail to accommodate his religious exercise in the manner required by the Religious Freedom Restoration Act and the First and Fourteenth Amendments of the United States Constitution, Captain Singh reserves the right to renew this litigation. For example, were the Army to withdraw the accommodation simply because Captain Singh is “assigned or directed to perform hazardous duties . . . or to operate in a hazardous environment,” without first demonstrating that it had a compelling interest in doing so and no less restrictive measures, Dkt. 26-1 ¶ 2, then Captain Singh may seek legal redress. Similarly, should the Army burden Captain Singh’s religious exercise based on the “troubling” “quarterly assessments of the effect of the accommodation, if any, on unit cohesion and morale, good order and discipline, health and safety, and individual and unit readiness,” Captain Singh may also seek legal redress. Dkt. 26-1 ¶ 4; Dkt. 47 at 15.

As the Army, however, has now promised to comply with its obligations under the Religious Freedom Restoration Act and the United States Constitution, Captain Singh dismisses this lawsuit without prejudice. Captain Singh looks forward to the day when all Sikh Americans will be able to serve their country while observing their faith.

Respectfully submitted this 4th day of July, 2016.



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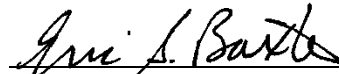
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the Court's ECF system on July 4, 2016, and was thereby electronically served on counsel for Defendants.

A handwritten signature in cursive script, appearing to read "Eric S. Baxter", is written above a horizontal line.

Eric S. Baxter