

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

**No. 15-5346**  
(C.A. No. 14-cv-00760-RMC)

Electronic Frontier Foundation,

Plaintiff-Appellant,

v.

U.S. Department of Justice,

Defendant-Appellee.

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**APPELLANT’S UNOPPOSED MOTION TO VOLUNTARILY DISMISS  
APPEAL**

Plaintiff-Appellant Electronic Frontier Foundation (“EFF”) hereby moves the Court, pursuant to Fed. R. App. P. 42(b), to dismiss this appeal. In support of this motion, EFF states as follows:

(1) The opinion of the Foreign Intelligence Surveillance Court that EFF has sought through this appeal is already publicly available. *Available at* <http://www.dni.gov/files/documents/1118/CLEANEDPRTT%202.pdf>. This fact was not known to EFF prior to initiating the litigation or to filing this appeal.

(2) In light of the public availability of the opinion, EFF does not believe that its resources, the government’s resources, or this Court’s resources are well served by further, needless litigation.

No appeal briefs have been filed by either side.<sup>1</sup> EFF requests that the Court grant the voluntary dismissal of this appeal, with each side to bear its own costs. Undersigned counsel has conferred with counsel for the Government and has been informed that the Government does not oppose the motion for a voluntary dismissal, with each side to bear its own costs.

Dated: April 8, 2016

Respectfully submitted,

*/s/ David L. Sobel*

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**DAVID L. SOBEL**

Electronic Frontier Foundation  
5335 Wisconsin Avenue, NW  
Suite 640  
Washington, DC 20015  
Phone: (202) 246-6180  
Fax: (415) 436-9993

**MARK RUMOLD**

Electronic Frontier Foundation  
815 Eddy Street  
San Francisco, CA 94109  
Phone: (415) 436-9333  
Fax: (415) 436-9993

Counsel for Plaintiff-Appellant

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<sup>1</sup> Appellant's opening brief is due on April 11, 2016.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8 day of April, 2016 I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

*/s/ David L. Sobel*  
David L. Sobel