

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**MI FAMILIA VOTA EDUCATION FUND, et al.,**

**Plaintiffs,**

v.

**Case No. 8:12-CV-1294-T-27MAP**

**KEN DETZNER, in his official capacity  
as Florida Secretary of State,**

**Defendant.**

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**ORDER OF DISMISSAL**

**BEFORE THE COURT** is Plaintiffs' Motion to Dismiss Any and All Claims in Plaintiffs' First Amended Complaint Predicated On the Coverage Formula in Section 4 of the Voting Rights Act Held to be Unconstitutional in *Shelby County, Alabama v. Holder* (Dkt.56) and Defendant's Response (Dkt. 57).<sup>1</sup> Also before the Court is (unopposed) Defendant's Motion to Dissolve Stay (Dkt. 58).

The parties agree that the holding in *Shelby County* warrants dismissal of this action with prejudice, but disagree on the form of the dismissal order. According to Plaintiffs, their proposed order "clarifies what claims are being dismissed for the benefit of counsel who are later faced with the issues raised in this litigation . . . and serves to provide guidance to the next court faced with the claims emanating from the same 'nucleus of operative facts' as this litigation." (Dkt. 56, p. 2, 4). Defendant is correct that Plaintiffs' proposed order would essentially constitute an impermissible

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<sup>1</sup> *Shelby County, Alabama v. Holder*, 2013 WL 3184629 (June 25, 2013) (slip op.).

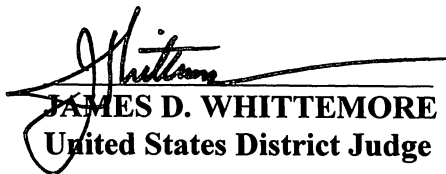
advisory opinion. *See Miller v. F.C.C.* 66 F.3d 1140, 1145 (11th Cir. 1995), *cert. denied*, 517 U.S. 1155 (1996) (“By asking this court to decide what another court should do in a future case, petitioners are posing a hypothetical question, the answer to which would be an advisory opinion.”).

Under Federal Rule of Civil Procedure Rule 41(a)(2), this “action may be dismissed at the plaintiff[s’] request only by court order, on terms that the court considers proper.” On consideration, this action should be dismissed with prejudice, without additional commentary.

Accordingly,

1. Defendant’s Motion to Dissolve Stay (Dkt. 58) is **GRANTED**.
2. Plaintiff’s Motion to Dismiss is **GRANTED in part**. This action is **DISMISSED with prejudice**. The Clerk is directed to **CLOSE** this case.

**DONE AND ORDERED** this 24<sup>th</sup> day of July, 2013.

  
**JAMES D. WHITTEMORE**  
United States District Judge

**CHARLES R. WILSON**  
United States Circuit Judge

**JAMES S. MOODY**  
United States District Judge

Copies to: Counsel of record