IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

AMERICA'S FRONTLINE) DOCTORS, et al.,) Plaintiffs,) v.) XAVIER BECERRA, Secretary) of the U.S. Department of Health) and Human Services, et al.,)

Defendants.

Case No. 2:21-cv-702-CLM

<u>ORDER</u>

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The Plaintiffs have filed a *Notice of Voluntary Dismissal* (doc. 21), in which they seek to "dismiss Count VII of the complaint" under Rule 41(a). But in *Perry v. Schumacher Group of Louisiana.*, 891 F.3d 954 (11th Cir. 2018), the Eleventh Circuit held that Rule 41(a) is not an appropriate vehicle to dismiss a single claim without dismissing the entire lawsuit, *id.* at 958. Because the Court cannot use Rule 41(a) as the Plaintiffs wish, the Court **DENIES** Plaintiffs' motion.

To accomplish the same task, Plaintiffs may seek leave to amend their Complaint under Rule 15, *id.*, and the Court invites them to do so.

DONE and ORDERED on September 3, 2021.

COREY/L. MAZE UNITED STATES DISTRICT JUDGE