

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

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED
PEOPLE

Plaintiff,

v.

U.S. DEPARTMENT OF
EDUCATION, et al.

Defendants.

Case No.: 1:25-cv-01120-DLF

**JOINT MOTION TO DISMISS THE COMPLAINT WITHOUT PREJUDICE
SUBJECT TO THE TERMS OF THE PARTIES' STIPULATION**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Defendants U.S. Department of Education (“ED”); Linda McMahon, in her official capacity as Secretary of Education; and Craig Trainor, in his official capacity as former acting Assistant Secretary of the Office for Civil Rights (“OCR”), (“Defendants”); and Plaintiff National Association for the Advancement of Colored People (“Plaintiff”) (collectively, the “Parties”) move the Court to dismiss Plaintiff’s Amended Complaint without prejudice subject to the terms of the below stipulation.

WHEREAS, Plaintiff filed the operative Amended Complaint in this action on May 9, 2025 (ECF No. 34);

WHEREAS, Plaintiff’s Amended Complaint alleges, *inter alia*, that Defendants’ Agency Actions, namely (1) the Dear Colleague Letter issued on February 14, 2025; (2) the FAQ document issued on February 28, 2025, and amended on April 9, 2025; (3) the EndDEI Portal launched on February 27, 2025; and (4) the certification demand issued on April 3, 2025 (collectively, “Agency Actions”), are contrary to law, arbitrary and capricious, in excess of statutory authority, without procedure required by law, and unconstitutional;

WHEREAS, on April 24, 2025, the U.S. District Court for the District of Columbia preliminarily enjoined ED from implementing and enforcing the certification demand issued on April 3, 2025, because it is unconstitutionally vague (ECF No. 31);

WHEREAS, on August 14, 2025, the U.S. District Court for the District of Maryland vacated the challenged Agency Actions in *American Federation of Teachers v. U.S. Department of Education*, No. 1:25-cv-00628 (“*AFT*”), which decision has now become final with the January 21, 2026, filing of the joint stipulation to dismiss the appeal to the Fourth Circuit in Case No. 25-2228, and the Fourth Circuit’s subsequent dismissal of the appeal, Order, *American Federation of Teachers v. U.S. Department of Education*, No. 25-2228 (4th Cir. Jan. 22, 2026);

THEREFORE, the Parties do HEREBY STIPULATE AND AGREE as follows:

1. The challenged Agency Actions have been vacated and set aside by the final judgment entered in *AFT*;
2. The above-enumerated challenged Agency Actions will not be relied on in any way by Defendants including by way of seeking to enforce their substance through ED, OCR, or Department of Justice civil rights investigation or enforcement procedures;
3. The certification demand issued on April 3, 2025, will not be reinstated either in substance or under a different name;
4. The challenged Agency Actions create no obligation, responsibility, or condition on Plaintiff in any manner;
5. ED retains the authority to enforce the statutory and regulatory provisions of Title VI to ensure compliance regarding any policy or practice where alleged discrimination on the basis of race, color or national origin may be occurring;
6. As such, the Amended Complaint shall be dismissed without prejudice;

7. All parties will bear their own fees and costs.

Accordingly, the Parties respectfully request that the Court dismiss the Amended Complaint without prejudice subject to the terms of the above stipulation.

Dated: February 6, 2026

Respectfully submitted,

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**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that, on February 6, 2026, this motion was filed electronically and will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

Respectfully submitted

/s/Allison Scharfstein

Allison Scharfstein

NAACP LEGAL DEFENSE AND
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