

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CATO INSTITUTE,

*Plaintiff,*

v.

U.S. DEPARTMENT OF EDUCATION, *et al.*,

*Defendants.*

CASE NO. 22-CV-4055-TC-RES

**NOTICE OF VOLUNTARY DISMISSAL**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), given the ruling of the U.S. Supreme Court in *Biden v. Nebraska* (No. 22-506), vindicating many of the claims raised herein, Plaintiff Cato Institute hereby gives notice that its claims in this action are voluntarily dismissed without prejudice. Defendants have not served an answer or motion for summary judgment in this case. Plaintiff notices its voluntary dismissal, and each side shall bear its own costs. *See* Fed. R. Civ P. 41(a)(1)(B).

July 20, 2023

Respectfully submitted,

*/s/ Markham S. Chenoweth*

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**CERTIFICATE OF SERVICE**

I hereby certify that, on July 20, 2023, a true and correct copy of the foregoing was filed electronically through the Court's CM/ECF system, to be served on counsel for all parties by operation of the Court's electronic filing system.

/s/ Markham S. Chenoweth  
Mark Chenoweth