

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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FAIR LINES AMERICA FOUNDATION, INC.	)	
	)	
	)	
Plaintiff,	)	Case No. 1:21-cv-01361-ABJ
	)	
v.	)	
	)	
UNITED STATES DEPARTMENT OF	)	
COMMERCE	)	
	)	
and	)	
	)	
UNITED STATES BUREAU OF THE CENSUS	)	
	)	
	)	
Defendants.	)	

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**NOTICE OF WITHDRAWAL**  
**OF PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff Fair Lines America Foundation (“Fair Lines”), by and through its counsel, hereby files this notice of withdrawal of Plaintiff’s July 19, 2021 Motion for Preliminary Injunction, ECF No. 8. In support thereof, Fair Lines states as follows:

1. On May 18, 2021, Plaintiff filed a Complaint against Defendants under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended, challenging the United States Department of Commerce’s and the United States Census Bureau’s (“Defendants”) failure to completely fulfill Plaintiff’s March 31, 2021 request for records relating to the United States Decennial Census of 2020. ECF No. 1.

2. On July 19, 2021, after repeated unsuccessful attempts to negotiate with Defendants’ counsel, Plaintiff filed its Motion for Preliminary Injunction, arguing that it is likely

to succeed on the merits of its claim that Title 13 of the Census Act does not prohibit Defendants from completely fulfilling Plaintiff's Request for statewide group quarters imputation data and that Defendants failed to meet their statutory obligations under FOIA, and that Plaintiff is likely to suffer irreparable harm absent injunctive relief due to the impending redistricting and election cycles. *See* ECF No. 8.<sup>1</sup>

3. On July 26, 2021, Defendants filed a Memorandum in Opposition to Plaintiff's Motion for a Preliminary Injunction. ECF No. 10. In their opposition brief and the declarations attached thereto, Defendants made suggestions and implicit threats that they may decide to delay their already-delayed August 16, 2021 public release date of the "legacy" format redistricting data, as a consequence of Plaintiff's Motion for Preliminary Injunction before this Court. *See, e.g.*, ECF No. 10 at 38 ("As Dr. Abowd explains, were the Court to order the release of the redacted information in the records already produced, or produce unredacted the state-by-state GQCI totals, the effect on the schedule for delivering redistricting data would likely be substantial. The Census Bureau cannot ascertain the length of the delay, but [it could be] potentially for as long as six months beyond August 16, 2021." (citing Abowd Decl. ¶¶ 75-76)); *id.* at 10 ("If disclosure is ordered prior to August 16, the release of redistricting data would likely be delayed because disclosure of the withheld information would likely force a change in the DAS parameters. It would likely take months for the Census Bureau to make any adjustment. Such a delay has the potential to harm all states that rely on the Census Bureau's redistricting data.").

4. Defendants make these assertions even though they have repeatedly publicly promised that August 16 will be the release date of the redistricting data, and even though they

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<sup>1</sup> Defendants have historically released Household Imputation data. *See e.g.*, <https://www2.census.gov/programs-surveys/decennial/2010/technical-documentation/methodology/g-series/g04.pdf> (last visited July 24, 2021).

have repeatedly delayed this release date well past the statutory deadline.

5. Accordingly, due to Defendants' threats and suggestions that this Motion could result in additional delays of up to six months for the long-awaited release of the redistricting data, Plaintiff hereby Withdraws Plaintiff's Motion for Preliminary Injunction.

Respectfully submitted this 28th day of July, 2021.

*/s/ Jason Torchinsky*

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***Counsel for Plaintiff***

**CERTIFICATE OF SERVICE**

I do hereby certify that, on this 28th day of July, 2021, the foregoing was filed electronically with the Clerk of Court using the CM/ECF system.

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