

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**DONALD J. TRUMP FOR PRESIDENT,
INC.,**

Plaintiff,

v.

Case No. 1:20-cv-01289-MV-JHR

**MAGGIE TOULOUSE OLIVER, in her
official capacity as Secretary of State of New
Mexico, the ELECTORS of NEW MEXICO
and the STATE CANVASSING BOARD OF
NEW MEXICO,**

Defendants.

v.

**DNC SERVICES CORPORATION/
DEMOCRATIC NATIONAL COMMITTEE**

Intervenor Defendant.

MOTION TO VOLUNTARILY DISMISS

COME NOW the Plaintiff Donald J. Trump for President, Inc., by and through its attorney of record Caruso Law Offices, PC by Mark J. Caruso, and respectfully requests this Court enter an Order dismissing all of Plaintiff's claims against Defendants without prejudice. As grounds for this motion Plaintiff states:

1. Plaintiff filed a Motion for Preliminary Injunction and Temporary Restraining Order or Alternatively, for Stay and Administrative Stay on December 14, 2020.
2. Plaintiff filed an Amended Motion on December 22, 2020.
3. Intervenor-Defendants DNC Services Corporation/Democratic National Committee

filed a Motion to Intervene on December 22, 2020

4. Plaintiff filed an Opposition to Non-Parties' Motion to Intervene on January 5, 2021

5. Intervenor-Defendants filed a Proposed Intervenor-Defendant's Opposition to Plaintiff's Motion for a Temporary Restraining Order and a Preliminary Injunction and Incorporated Memorandum of Law on January 5, 2021

6. Intervenor-Defendant filed a Motion to Dismiss on January 8, 2021.

7. Based on events that have transpired since the inception of this lawsuit, Plaintiff has concluded that it desires to voluntarily dismiss its Motion against Defendant without prejudice.

8. Defendant and Intervenor-Defendant oppose dismissing this case without prejudice but are not opposed to dismissal with prejudice.

WHEREFORE, Plaintiff respectfully requests this Court enter an Order granting the voluntary dismissal of all of Plaintiff's claims against the Defendant without prejudice.

Respectfully submitted,

Caruso Law Offices, P. C.

By: /s/ Mark J. Caruso

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11 day of January 2021, a true and correct copy of the foregoing was filed and served to all counsel and parties of record via the Court's CM/ECF System.

/s/ Mark J. Caruso
Mark J. Caruso