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No. 18-11388-G

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In the  
UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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JAMES MICHAEL HAND, ET AL.,

Plaintiffs-Appellees,

v.

RICK SCOTT, ET AL.,

Defendants-Appellants.

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**MOTION TO WITHDRAW THE STATE OF MICHIGAN  
FROM JUNE 1, 2018 AMICUS BRIEF  
IN SUPPORT OF DEFENDANTS-APPELLANTS**

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The State of Michigan moves to withdraw its support for the amicus brief filed in this case in support of defendants-appellants and provides the following in support of its motion:

1. On June 1, 2018, the State of Michigan under Attorney General Bill Schuette joined an amicus brief in support of defendants-appellants.
2. On January 1, 2019, the new Attorney General in Michigan, Dana Nessel, took office.
3. In Michigan, the Attorney General is the chief law enforcement officer of the State, *Fieger v. Cox*, 734 N.W.2d 602, 604

(Mich. Ct. App. 2007), and the Attorney General has the authority to intervene in any action in which the Attorney General believes the interests of the People of the State of Michigan are implicated, Mich. Comp. Laws §§ 14.28, 14.101.

4. Likewise, under federal law, the State Attorney General represents the legal position for the State. *Cf.* 28 U.S.C. § 2403(b); Fed. R. Civ. P. 5(a)(1)(B).

5. In this matter, Attorney General Nessel has determined that the amicus brief filed on June 1, 2018, no longer represents the legal position of the State of Michigan. Thus, she seeks to withdraw Michigan's support for this amicus brief.

Wherefore, the State of Michigan respectfully asks this Court to grant this motion to withdraw its support for the previously filed amicus brief.

Respectfully submitted,

Dana Nessel  
Attorney General

/s/ Richard Kuhl  
Richard Kuhl (P42042)  
Assistant Attorney General  
Counsel of Record  
Attorney for State of Michigan  
P.O. Box 30755  
Lansing, MI 48909  
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KuhlR@michigan.gov

Date: February 6, 2019

### **CERTIFICATE OF SERVICE**

I certify that on February 6, 2019, the foregoing document was served on all parties or their counsel of record through the CM/ECF system.

/s/ Richard Kuhl  
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**CERTIFICATE OF COMPLIANCE FOR THE MOTION TO  
WITHDRAW THE STATE OF MICHIGAN  
FROM JUNE 1, 2018 AMICUS BRIEF  
IN SUPPORT OF DEFENDANTS-APPELLANTS**

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Certificate of Compliance with Type-Volume Limit,  
Typeface Requirements, and Type Style Requirements

1. The Motion to Withdraw the State of Michigan from June 1, 2018 Amicus Brief in Support Of Defendants-Appellants filed on February 6, 2019, complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(g)(1) because, the motion contains 349 words on three pages.

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because

this document has been prepared in a proportionally spaced typeface using Word 2013 in 14-point Century Schoolbook.

/s/ Richard Kuhl  
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