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No. 18-3133 and 18-3134

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In the  
UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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STEVEN WAYNE FISH, et al.

Plaintiffs-Appellees,

v.

SCOTT SCHWAB, in his official capacity as Secretary of State for the  
State of Kansas,

Defendant-Appellant.

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PARKER BEDNASEK,

Plaintiff-Appellee,

v.

SCOTT SCHWAB, Kansas Secretary of State,

Defendant-Appellant.

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**NOTICE TO WITHDRAW THE STATE OF MICHIGAN  
FROM OCTOBER 5, 2018 AMICUS BRIEF  
IN SUPPORT OF DEFENDANT-APPELLANT**

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The State of Michigan seeks to withdraw its support for the  
amicus brief filed in this case in support of defendant-appellant and  
provides the following in support of its notice:

1. On October 5, 2018, the State of Michigan under Attorney General Bill Schuette joined an amicus brief in support of defendant-appellant.

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 In this matter, Attorney General Nessel has determined that the amicus brief filed on October 5, 2018, no longer represents the legal position of the State of Michigan.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 notice to withdraw its support for the previously filed amicus brief.

Respectfully submitted,

Dana Nessel  
Attorney General

/s/ Fadwa A. Hammoud  
Fadwa A. Hammoud (P74185)  
Solicitor General  
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Date: February 4, 2019

### **CERTIFICATE OF COMPLIANCE**

(1) all required privacy redactions have been made (see 10th Cir. R. 25.5),

(2) any required paper copies to be submitted to the court are exact copies of the version submitted electronically (see ECF User Manual, Section II, Policies and Procedures for Filing Via ECF, Part I(b), pages 11-12) and,

(3) the electronic submission was scanned for viruses with the most recent version of a commercial virus scanning program, and is free of viruses (see ECF User Manual, Section II, Policies and Procedures for Filing Via ECF, Part I(b), pages 11-12).

/s/ Fadwa A. Hammoud  
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### **CERTIFICATE OF SERVICE**

I certify that on February 4, 2019, the foregoing document was served on all parties or their counsel of record through the CM/ECF system.

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