

# In the United States Court of Federal Claims

No. 16-1680

Filed: February 21, 2017

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TERACORE, Inc.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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## ORDER GRANTING VOLUNTARY DISMISSAL

On December 21, 2016, Plaintiff filed a Complaint in the United States Court of Federal Claims. ECF No. 1. On that same day, Plaintiff filed a Motion For A Temporary Restraining Order (ECF No. 4) and Motion For Preliminary Injunction (ECF No. 5). To date, the Government has not filed an answer, motion for summary judgment, or motion for judgment on the administrative record.

On February 17, 2017, Plaintiff filed a Motion For Voluntary Withdrawal Of Its Bid Protest And Consent Notice Of Dismissal. ECF No. 17. Therein, Plaintiff advised the court that the Government has taken corrective action that renders the claims alleged in the December 21, 2016 Complaint moot. ECF No. 17 at 1. Counsel for the Government consents to the dismissal of the above-captioned case. ECF No. 17 at 1.

Under Rule of the United States Court of Federal Claims (“RCFC”) 41(a)(1)(A),

the plaintiff may dismiss an action . . . by filing: (i) a notice of dismissal before the opposing party serves an answer, a motion for summary judgment, or a motion for judgment on the administrative record; or (ii) a stipulation of dismissal signed by all the parties who have appeared.

RCFC 41(a)(1)(A)(i)–(ii).

Because the Government has not filed an answer, motion for summary judgment, or motion for judgment on the administrative record, Plaintiff’s February 17, 2017 Motion For Voluntary Withdrawal Of Its Bid Protest is granted, pursuant to RCFC 41(a)(1)(A)(i). Accordingly, Plaintiff’s February 17, 2017 Motion For Temporary Restraining Order and Motion For

Preliminary Injunction are denied as moot. The Clerk of Court is directed to dismiss this case without prejudice.

**IT IS SO ORDERED.**

s/ Susan G. Braden  
**SUSAN G. BRADEN,**  
**Judge**