

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

AMANDA McGONIGLE,

Plaintiff,

v.

SEAN M. CURRAN, in his official capacity
as Director of the U.S. Secret Service, JOHN
HILLER, in his official capacity as Director of
Presidential Advance, EXECUTIVE OFFICE
OF THE PRESIDENT, and UNITED
STATES SECRET SERVICE,

Defendants.

Civil Case Number: 1:26-cv-00349-JAW

REQUEST FOR VOLUNTARY DISMISSAL UNDER RULE 41(a)(2)

Pursuant to Rules 7(b) and 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff, Amanda McGonigle, respectfully requests voluntary dismissal of the case in light of Defendants' representations that Ms. McGonigle may attend future official vice-presidential events on the same terms as other members of the public and will not be excluded from such events based on protected speech or expression. Ms. McGonigle respectfully requests that the Court order voluntary dismissal without prejudice, with the parties to bear their own costs and fees.

BACKGROUND

This case challenges First Amendment retaliation and viewpoint discrimination at official events held by Vice President JD Vance. Compl. ¶ 1, D.E. 1 (July 7, 2026). In early May, Ms. McGonigle registered to attend an official vice-presidential event in Bangor, Maine, where she planned to participate as an audience member to express her disapproval of Vice President Vance. *Id.* ¶ 5. However, when Ms. McGonigle was standing in line, armed Secret Service officers and other officials singled her out by name and excluded her from the event, telling her

that “we know where you stand.” *Id.* ¶¶ 5, 56. Ms. McGonigle previously registered to attend another official vice-presidential event in Des Moines, Iowa, but event organizers did not send confirmation emails with attendance information to Ms. McGonigle, despite sending such confirmation emails to other registrants. *Id.* ¶ 6.

On August 21, 2026, Ms. McGonigle filed a motion for preliminary injunction preventing Defendants from excluding her from an upcoming vice-presidential event in Brewer, Maine, (the “Brewer event”) in retaliation for her protected speech or based on her viewpoint. Mot. for Prelim. Injunction at 1, D.E. 7. In response, Defendants represented that “Plaintiff will be able to attend Monday’s event subject to the same rules as anybody else, and that attendees will not be excluded based on protected speech or expression.” Defs.’ Opp. at 1, D.E. 11 (Aug. 22, 2026). The Court denied the motion for preliminary injunction “because the government has acknowledged that [Ms. McGonigle] will be allowed to attend the event without an injunction.” Order at 1, D.E. 13 (Aug. 23, 2026). Defendants later allowed Ms. McGonigle to attend the Brewer event wearing a t-shirt stating “jd vance cured my imposter syndrome.”

On September 25, 2026, Defendants filed a motion to dismiss the complaint or, alternatively, for summary judgment, arguing, among other things, that the case should be dismissed for lack of jurisdiction on mootness grounds. Defs. Mot. at 5-10, D.E. 18. In support of the motion, Defendants stated that their “prior representations were not unique to the Brewer Event but extend to the Vice President’s official, public events in general.” *Id.* at 7 (citations omitted). Defendants submitted supplemental declarations from senior officials in the U.S. Secret Service and the Office of the Vice President committing that “Ms. McGonigle is eligible to attend official vice-presidential events that are open to the public on the same terms as everyone else” and “will not be excluded from such an event based on speech or expression protected by

the First Amendment,” *see id.* (citing Cain Suppl. Decl. ¶¶ 3, 5, D.E. 18-1; Comorosky Suppl. Decl. ¶¶ 8–10, D.E. 18-2).

DISCUSSION

Based on Defendants’ representations to the Court that Ms. McGonigle may attend future official vice-presidential events that are open to the public on the same terms as other members of the public and will not be excluded from such events based on protected speech or expression, *see* Defs. Mot. at 7, D.E. 18 (citing Cain Suppl. Decl. ¶¶ 3, 5; Comorosky Suppl. Decl. ¶¶ 8–10), Ms. McGonigle respectfully requests voluntary dismissal of the case under Rule 41(a)(2), without prejudice to refiling, and with the parties to bear their own costs and attorneys’ fees.

In cases where a defendant has filed an answer or motion for summary judgment, Rule 41(a)(2) provides that “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). “[T]he basic purpose of Rule 41(a)(2) is to freely permit the plaintiff, with court approval, to voluntarily dismiss an action so long as no other party will be prejudiced.” *P.R. Mar. Shipping Auth. v. Leith*, 668 F.2d 46, 50 (1st Cir. 1981) (quoting *LeCompte v. Mr. Chip, Inc.*, 528 F.2d 601, 604 (5th Cir. 1976)). “[A] district court should grant a motion for voluntary dismissal unless a defendant can show that it would suffer some plain legal prejudice as a result thereof, as opposed to facing the mere prospect of a second lawsuit.” *Cason v. Puerto Rico Elec. Power Auth.*, 770 F.3d 971, 976 (1st Cir. 2014) (citing *Doe v. Urohealth Sys., Inc.*, 216 F.3d 157, 161 (1st Cir. 2000)).

Defendants will not be prejudiced by an order granting voluntary dismissal without prejudice. To the contrary, Defendants have filed a motion to dismiss on mootness grounds, which, if granted, would likewise result in dismissal “without prejudice.” *See* Rule 41(b) (providing that a dismissal for lack of jurisdiction is not a dismissal on the merits); *Semtek Int’l*

Inc. v. Lockheed Martin Corp., 531 U.S. 497, 505 (2001) (stating that an “adjudication upon the merits” is the opposite of a “dismissal without prejudice”). In either scenario, Ms. McGonigle would be free to refile her case if Defendants resume a practice of excluding Ms. McGonigle from official vice-presidential events based on her viewpoint or in retaliation for past speech or expression.¹

Because granting Ms. McGonigle’s request for voluntary dismissal under Rule 41(a)(2) will not prejudice any other party, the Court should “freely permit” Ms. McGonigle to voluntarily dismiss the action. *See P.R. Mar. Shipping Auth.*, 668 F.2d at 50 (citations omitted).

CONCLUSION

For these reasons, Ms. McGonigle respectfully requests that the Court issue an order granting voluntary dismissal pursuant to Rule 41(a)(2), without prejudice to refile, and with the parties to bear their own fees and costs.

Date: October 6, 2026

Respectfully submitted,

AMANDA MCGONIGLE.

By her attorneys:

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¹ Nor does the requested voluntary dismissal prejudice Defendants with respect to litigation costs or fees; Defendants’ requested relief of dismissal on mootness grounds would also result in each party bearing their own costs and fees from the litigation.

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