

United States Senate  
WASHINGTON, DC 20510

February 5, 2025

The Honorable Pamela Bondi  
Attorney General  
United States Department of Justice  
950 Pennsylvania Ave. NW  
Washington, D.C. 20530

**Re: Police Consent Decrees and Notices of Dismissal**

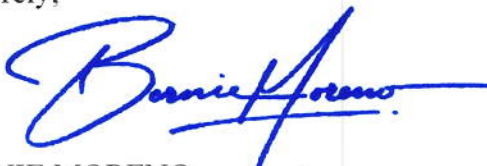
Dear Attorney General Bondi:

Congratulations on your recent confirmation. I have no doubt you will restore integrity to the Department of Justice (“DOJ”). I write today to request additional information regarding your position on utilizing a notice of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) to end consent decrees with state and local governments when a prior administration failed to follow the procedures as set forth by Justice Scalia in *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381 (1994).

As I am sure you are aware, pursuant to *Kokkonen*, there must be an actual dismissal entry that provides for continuing jurisdiction to enforce a settlement agreement. If there is no actual dismissal entry, absent a filing of an answer or summary judgment motion, the litigation remains a live “case or controversy,” which can be voluntarily dismissed under Rule 41(a). I am drawing your attention to this important question because it is my understanding, for example, in *United States v. City of Cleveland*, 1:15-cv-01046 (N.D. Ohio 2015), that the Obama DOJ failed to file a dismissal entry.

Therefore, I respectfully request the following: (1) you review the PACER docket to identify any cities that are impacted by prior administrations’ failures to adhere to the procedures set forth by Justice Scalia in *Kokkonen*; (2) report any cities identified to my office; (3) report the DOJ’s position regarding utilizing a notice of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) to my office; and (4) share any subsequent formal policy or memoranda issued regarding the DOJ’s position on ending consent decrees against state or local governmental entities with my office.

Sincerely,



BERNIE MORENO  
United States Senator