

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

THOMAS MEAD,

Plaintiffs,

– Versus –

The CITY OF CLINTON, Louisiana;
LORI ANN BELL, Mayor, City of
Clinton, in her official capacity; FRED
DUNN, Chief of Police, City of Clinton,
in his official capacity;

Defendants.

NUMBER: 3:13-cv-0484

JUDGE: Hon. Brian A. Jackson

MAG. JUDGE: Hon. Richard L.
Bourgeois

**MOTION FOR TEMPORARY RESTRAINING
ORDER/PRELIMINARY INJUNCTION**

Plaintiff hereby moves, under Federal Rule of Civil Procedure 65 and for the reasons set forth in the accompanying memorandum, for a temporary restraining order and preliminary injunction barring Defendants and any of their agents from enforcing Clinton City Code §14-2 in violation of Plaintiff's Fourteenth Amendment rights. In support of this motion, Plaintiff states:

1. This relief is warranted, as Plaintiff is likely to succeed on the merits of his claims. Defendants have promulgated and currently are enforcing a general curfew that restricts all residents of Clinton, LA, including Plaintiff, to their homes between the hours of 11PM and 6AM, seven nights a week. That curfew violates Plaintiffs' rights under the Fourteenth Amendment.

2. Unless this Court issues a temporary restraining order and subsequent preliminary injunction barring Defendants from continuing to enforce the curfew, Plaintiff will continue to suffer irreparable harm: the serious abridgment of his fundamental right to freely travel and appear in public spaces.

3. “Violation of constitutional rights constitutes irreparable injury as a matter of law.” *Springtree Apartments, ALPIC v. Livingston Parish Council*, 207 F. Supp. 2d 507, 515 (M.D. La. 2001); 11A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice and Procedure* § 2948.1 (2d Ed. 1995) (“When an alleged constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.”). This reasoning essentially collapses the “likelihood of success on the merits” and “irreparable harm” prongs of the injunctive inquiry where constitutional rights are at stake. *Forum for Academic & Inst. Rights v. Rumsfeld*, 390 F.3d 219, 246 (3d Cir. 2004).

4. The potential harm to Plaintiff far outweighs any burden that Defendants will face if the Court enjoins an unconstitutional municipal ordinance.

5. A temporary restraining order and eventual preliminary injunction will not disserve the public interest, but would affirmatively promote it.

6. Because Plaintiff faces an imminent risk of harm if Defendants are permitted to enforcing the above restrictions, Plaintiff asks this Court for a temporary restraining order and preliminary injunction.

Respectfully submitted by:

/s/ Justin Harrison

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Attorney for Plaintiff

CERTIFICATE OF SERVICE PER L.R. 65.1

I certify that on Wednesday, July 24, 2013, I attempted to serve this motion for TRO/PI in the following ways:

(1) I faxed the filed Complaint, Motion and Memorandum in support to the office of the City of Clinton at 225-683-6890.

(2) I telephoned the Clinton Municipal Office to advise them of the fax and to verbally inform them of Plaintiff's complaint and demand for a TRO/PI.

(3) I telephoned the City's legal advisor, Charles E. Griffin, II, whose name and title are listed on the City's letterhead, *see Ex. A*, p.1 and verbally informed his assistant Tammy of Plaintiff's complaint and demand for a TRO/PI.

(4) I faxed a copy of the filed Complaint, Motion and Memo in support to Mr. Griffin's office at 225-784-0561. I offered to email the documents to Mr. Griffin, but was informed that he does not have email.

/s/ Justin Harrison

Justin P. Harrison