


FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2009 JAN 12 PM 12:40

LORETTA G. WHYTE
CLERK 

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

PRISON LEGAL NEWS and *
HUMAN RIGHTS DEFENSE CENTER, *
Plaintiffs *
VERSUS *
JACK A. STEPHENS, Sheriff, St. Bernard *
Parish, DAVID MOWERS, Warden, St. *
Bernard Parish Prison, CHARLES BURAS, *
Captain, St. Bernard Parish Prison, *
JOHN DOE 1, Mailroom Supervisor, St. *
Bernard Parish Prison and JOHN DOE 2, *
Mailroom Employee, St. Bernard Parish *
Prison Defendants *

NUMBER: 09-7515
SECTION: "S"
JUDGE: Mary Ann Vial Lemmon
MAG. SECTION: 3
MAGISTRATE: Daniel E. Knowles, III

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

NOW COME Plaintiffs Prison Legal News and Human Rights Defense Center, through undersigned counsel, and respectfully file this Motion for Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65. Plaintiffs request this court to enter a preliminary injunction to enjoin defendants from enforcing the unconstitutional policy and practice in effect at the St. Bernard Parish Prison of banning constitutionally protected publications distributed and published by plaintiffs, with no notice and no opportunity to be heard.


Injunctive relief is necessary to prevent defendants from interfering with plaintiffs' fundamental constitutional rights to free speech and expression and due process of law, guaranteed by the First and Fourteenth Amendments of the United States Constitution. The

___ Fee ___
___ Process ___
 Dktd ___
___ CtRmDep ___
___ Doc. No. ___

plaintiffs submit that all essential elements for the issuance of a preliminary injunction are present in this matter: 1) a substantial threat that plaintiffs will suffer irreparable injury if the injunction is not granted; (2) a substantial likelihood that plaintiffs will prevail on the merits; (3) the threatened injury to plaintiffs outweighs the threatened harm to the defendants and (4) granting the preliminary injunction will not disserve the public interest.

Plaintiffs have been and will continue to be subjected to irreparable harm for which there is no adequate remedy at law, unless and until this Court provides the injunctive relief requested. Additionally, Plaintiffs request that this Court schedule a hearing date for this Motion.

Respectfully submitted,


MARY E. HOWELL, LSBA #7030
Attorney at Law
P.O. Box 19043
New Orleans, LA 70179
(504) 822-4455 (O)
(504) 822 4458 (Fax)

ELIZABETH C. CUMMING, LSBA#31685
The Justice Center
636 Baronne Street
New Orleans, LA 70113
(504) 529-3955

ATTORNEYS FOR PLAINTIFFS

PLN: MotPreInjunc.11Jan2010