

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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| MALEEHA AHMAD, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. 4:17 CV 2455 CDP |
| |) | |
| CITY OF ST. LOUIS, MISSOURI, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on defendant’s motion to dismiss and to dissolve the preliminary injunction entered in this case on November 15, 2017. Defendant did not appeal the entry of the preliminary injunction. Defendant alleges that “changed circumstances” warrant the dissolution of preliminary injunctive relief. The “changed circumstances” cited by defendant include later-filed individual suits for damages brought against defendant arising out of the events at issue in this case, evidence obtained during discovery, and the absence of any recurring protest activity. Defendant also argues that this Court should dismiss this action as plaintiffs seek relief beyond the equitable powers of this Court.


The Court has reviewed the materials submitted by defendant and concludes that the motion must be denied. Defendant’s motion amounts to nothing more than an attempt to reargue the preliminary injunction motion with new counsel and

more strident rhetoric. The evidence submitted by defendant only demonstrates that the facts are contested. It does not change the Court's prior findings supporting the issuance of preliminary injunctive relief, just as the pendency of later-filed individual suits for damages does not make an award of prospective injunctive relief in this case improper. Moreover, the Court has subject matter jurisdiction over this action; a dispute over the merits of plaintiffs' case is insufficient to deprive this Court of jurisdiction. *See Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 89 (1998). This case is set on a trial docket in August. The Court can best determine whether continued injunctive relief is warranted after all the evidence has been heard and the case submitted for decision. For these reasons, the Court concludes that defendant's motion must be denied.

Finally, the Court urges the parties to continue their good faith efforts to resolve this case without the necessity of trial.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to dismiss and dissolve preliminary injunction [126] is denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 15th day of May, 2019.