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UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

_____)	
UNNAMED PLAINTIFF #1,)	
UNNAMED PLAINTIFF #2,)	
PILLAR OF LAW INSTITUTE,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 16-CV-135-S
)	Expedited Consideration and
)	Oral Argument Requested
FEDERAL ELECTION COMMISSION)	
)	
Defendant.)	
_____)	

PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTIVE RELIEF

Plaintiffs respectfully move for preliminary injunctive relief pursuant to Federal Rule of Civil Procedure 65. In doing so, they ask this Court to enjoin the enforcement of 52 U.S.C. §30118.

Plaintiffs have filed their Verified Complaint requesting declaratory and injunctive relief. *See* Doc. No. 1. In their complaint, Plaintiffs describe how 52 U.S.C. §30118 violates the First Amendment to the United States Constitution. They also illustrate how their constitutionally-protected conduct has a short timeframe in which it must occur in this election cycle—between

now and throughout the Republican Party National Convention in Cleveland, Ohio on July 18-21, 2016.

In order to secure a preliminary injunction, a movant must demonstrate: “(1) a substantial likelihood of success on the merits; (2) irreparable injury will result if the injunction does not issue; (3) the threatened injury to the movant outweighs any damage the injunction may cause the opposing party; and (4) issuance of the injunction would not be adverse to the public interest.” *Northern Natural Gas Co. v. L.D. Drilling, Inc.*, 697 F.3d 1259, 1266 (10th Cir. 2012) (quoting *Kansas Judicial Watch v. Stout*, 653 F.3d 1230, 1233 n.2 (10th Cir.2011)). As demonstrated in the accompanying memorandum, Plaintiffs have shown a likelihood of success by demonstrating how 52 U.S.C. §30118 is an unconstitutional restriction of political speech and association. Likewise, and as demonstrated in their memorandum, the loss of First Amendment rights between now and the Convention constitutes irreparable injury. Moreover, where serious First Amendment concerns exist, the balance of equities tips in favor of the movant. Lastly, it is always in the public interest to protect constitutional rights.

In this case, a bond should not be required because of the strength of Plaintiffs’ argument and the lack of damages that the Federal Election Commission (“FEC”) would suffer as the result of a preliminary injunction. *See, e.g., Coquina Oil Corp. v. Transwestern Pipeline Co.*, 825 F.2d 1461, 1462 (10th Cir. 1987). Here, facing the resolution of constitutional rights, the FEC would suffer no injury as the result of being unable to enforce 52 U.S.C. §30118.

The Republican National Convention will occur between July 18 and 21. Plaintiffs face a short timeframe in which to engage in First Amendment protected conduct—both before and during the Convention—but are prohibited by the operation of 52 U.S.C. §30118. Plaintiffs therefore seek expedited consideration of this request, waive their right to file a reply brief under

Local Rule 7.1(b)(2)(C) (Dispositive and Preliminary Injunction Motions), and request oral argument at this Court's earliest convenience.

For the reasons set forth in Plaintiffs' memorandum in support of this motion, Plaintiffs respectfully request that the Court grant Plaintiffs' motion for preliminary injunctive relief on their First Amendment claims and grant Plaintiffs any other relief the Court deems just and appropriate.

Respectfully submitted,

/s/ Benjamin Barr

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June 3, 2016

CERTIFICATE OF SERVICE

I, Benjamin Barr, certify that the foregoing Motion for Preliminary Injunctive Relief was electronically served on Defendant's counsel via electronic mail pursuant to consent under Fed. R. Civ. P. 5(b)(2)(E) on June 3, 2016.

/s/ Benjamin Barr