

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

JUN 13 2016

DOUGLAS F. YOUNG, Clerk
By

Deputy Clerk

MITCHELL PURDOM

PLAINTIFF

VS.

NO. 16-3072

ROGER MORGAN in his official capacity as
City Attorney for Mountain Home; and DON LEWIS and
JUDY LEWIS, Individually and in their capacity as trustees
of the Lewis Family Trust

DEFENDANTS

MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff, Mitchell Purdom, moves this court for a temporary restraining order, restraining and enjoining the defendant, Roger Morgan, from filing charges against Plaintiff pursuant to Ark. Code Ann. § 18-16-101 during the pendency of this action.

Plaintiff further moves this court for a temporary restraining order, restraining and enjoining the defendants, Don and Judy Lewis, from taking any efforts to pursue criminal prosecution of or otherwise taking actions to evict Plaintiff.

As grounds for this Motion, Plaintiff submits the accompanying Brief in Support thereof, as well as the attached affidavits and other documents.

Plaintiff further moves that a temporary restraining order to be issued immediately and without notice, on the ground that ten days have lapsed since the Lewises served Plaintiff with a ten day notice to vacate his home or else he will face criminal prosecution. As explained in the attached brief and affidavit, the criminal prosecution process under Ark. Code Ann. § 18-16-101 will force Plaintiff to make the choice between (1) leaving his home, which may result in his becoming homeless; (2) pleading guilty for a crime he did not commit and facing a lower possible penalty; (3) paying a \$1,600 registry fee and making monthly deposits into the registry

of the court in order to assert his innocence and remain in his home without the risk of jail time; or (4) asserting his innocence and remaining in his home without paying into the registry, risking 90 days of incarceration plus a \$1,000 fine.

As the criminal prosecution can commence as early as Monday, June 13, 2016, immediate and irreparable injury, loss and damage will result to Plaintiff—including a violation of his constitutional rights and the risk of homelessness—before notice can be given and the defendants or the defendants' attorney(s) can be heard in opposition, as is more fully explained in the Plaintiff's complaint and in the affidavit attached to this motion.

Plaintiff also seeks, after an evidentiary hearing, the entry of a preliminary injunction, which extends the above requested relief throughout the pendency of this case.

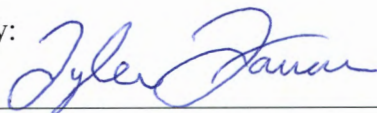
Plaintiff asks that the preliminary injunction be issued without bond, as the Defendants will suffer no monetary injury if preliminary relief is issued.

Upon filing, counsel for the Plaintiff will attempt to contact each defendant by telephone, fax, or email to make him or her aware of this lawsuit and the request for emergency injunctive relief.

Therefore, Plaintiff asks this court to (1) enter a temporary restraining order prohibiting the defendants from initiating criminal prosecution of or otherwise taking actions to evict Plaintiff; and (2) set a date for a hearing on the Plaintiff's request for preliminary injunction.

Respectfully submitted, Mitchell Purdom

By:



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