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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10 RENO, NEVADA

11 DONALD YORK EVANS and) 3:05-CV-0327-ECR-RAM
12 JOHN WITHEROW,)
13 Plaintiffs,)
14 vs.) ORDER
15 LENARD VARE, ROSEMARY SEALS,)
16 KELLY BALENGER, and DOES 1-X,)
Defendants.)
_____)

17 Preliminary Injunction

18 A preliminary injunction shall be issued in this case against
19 Defendants Lenard Vare, Rosemary Seals, and Kelly Balenger, in
20 favor of Plaintiffs Donald York Evans and John Witherow.

21 The injunction shall be issued for the reasons stated in the
22 written order issued concurrently on November 18, 2005.

23 IT IS, THEREFORE, HEREBY ORDERED AND ADJUDGED that Defendants
24 Lenard Vare, Rosemary Seals, Kelly Balenger, their officers,
25 agents, servants, employees, and attorneys, and those persons in
26 active concert or participation with any of them or each of them,
27 who receive actual notice of this order by personal service or
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otherwise, are hereby preliminarily enjoined and restrained, pending the further proceedings in this case, from denying Plaintiff Witherow the receipt or forwarding of legal mail, which has been identified as such by the sender, Plaintiff Evans, when that mail contains names of parties in published cases and/or when all other names of persons that are not directly involved in Plaintiffs' legal matters have been blacked out. Any determination of the above will be done pursuant to the prison's scanning procedures for legal mail.

IT IS FURTHER ORDERED that the Court reserves and shall retain jurisdiction of all matters relating to this preliminary injunction, including the performance thereof and compliance therewith.

IT IS FURTHER ORDERED that Defendants shall provide actual notice of this injunction to their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with any of them or each of them.

IT IS FURTHER ORDERED that posting of security is waived. The First Amendment rights sought to be protected by Plaintiffs present overriding issues of public policy that justify waiver of security pursuant to Fed. R. Civ. P. 62(c).

This 18th day of November, 2005.

A handwritten signature in dark ink, reading "Edward C. Reed." The signature is written in a cursive style with a large, looped "R" and a period at the end.

UNITED STATES DISTRICT JUDGE