

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**INDEX NEWSPAPERS LLC d/b/a
PORTLAND MERCURY, *et al.*,**

Plaintiffs,

v.

CITY OF PORTLAND, *et al.*,

Defendants.

Case No. 3:20-cv-1035-SI

ORDER

Michael H. Simon, District Judge.

On August 20, 2020, the Court preliminarily enjoined the U.S. Department of Homeland Security and the U.S. Marshals Service (collectively, the Federal Defendants) from engaging in particular law enforcement activity with respect to journalists and authorized legal observers while responding to protests in Portland, Oregon. The Federal Defendants appealed the preliminary injunction to the Ninth Circuit. On June 11, 2021, the Federal Defendants filed with this Court a motion for indicative ruling on dissolving the preliminary injunction, which the Court construed as containing an underlying motion to dissolve the preliminary injunction. On January 7, 2022, the Court granted the Federal Defendants' motion for an indicative ruling, and concluded that the Court would grant the motion to dissolve the preliminary injunction if the Ninth Circuit remanded the case for such purpose. On January 27, 2022, the Ninth Circuit remanded the case for the limited purpose of enabling the Court to consider the Federal Defendants' request to dissolve the injunction.

Because the Court had construed the Federal Defendants' motion for indicative ruling as including a motion to dissolve the injunction, the Court held a status conference as to whether the Federal Defendants should file a separate motion to dissolve the injunction. The parties did not agree whether such motion was required. In an abundance of caution, the Court requested that the Federal Defendants file a separate renewed motion. The Court has already analyzed the issue, *see* ECF 244, and concluded under Rule 62.1(a)(3) of the Federal Rules of Civil Procedure that it *would grant* the motion to dissolve the preliminary injunction as opposed to concluding that the motion *raises substantial issues*. The Court declines to revisit the issue.

For the reasons stated in the Court's Opinion and Order (ECF 244) granting the Federal Defendants' motion for indicative ruling, the Court GRANTS the Federal Defendants motion to dissolve the preliminary injunction, as construed by the Court, ECF 209, and as renewed, ECF 249. The preliminary injunction entered by the Court on August 20, 2020, ECF 157, is hereby DISSOLVED.

IT IS SO ORDERED.

DATED this 17th day of March, 2022.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge