

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO.:5:18-cv-366-FL**

**JAMES ALLEN POINDEXTER, JERRY
JONES, GREGORY HOLT, AND THE
CONSTITUTION PARTY OF NORTH
CAROLINA,**

Plaintiffs,

v.

**KIM WESTBROOK STRACH in her
official capacity as the Executive Director
of the North Carolina State Board of
Elections and Ethics Enforcement,**

Defendant.

**MOTION FOR TEMPORARY
RESTRAINING ORDER**

COME NOW the Plaintiffs by and through counsel and pursuant to Rule 65 of the Federal Rules of Civil Procedure and hereby move the Court for a Temporary Restraining Order enjoining Defendant from printing ballots, to the extent required if there is not enough time for decision on Plaintiff's motion for preliminary injunction based upon the contents of orders in the state court actions (ECF Docs 17, 17-1 &17-2) and arguments of counsel.

Pursuant to Rule 65, Plaintiffs request that the time for such Order last for 14 days or is extended longer as the Court sets, for good cause shown and in light of the Judicial Candidacy Cases (18-CVS-9749 and 18-CVS-9748) (ECF Docs 17, 17-1 &17-2) in which legislators noticed their appeal on August 14, 2018, from decision of Wake County Superior Court Judge Holt (*GOP Leaders Appeal Party Labels Court Ruling*, <https://www.wral.com/n-carolina-gop-leaders-to-appeal-judicial-race-court-ruling/17769493/> (last visited August 15, 2018.)), as well as the NC Constitutional Amendment cases (ECF Doc 17).

Plaintiffs are likely to be successful on the merits – retroactive application of laws in the middle of an election process places a severe burden on Plaintiffs rights under the First and Fourteenth Amendments and violates due process, because Plaintiffs’ will suffer irreparable injury, the balance of equities favors Plaintiffs, and the public will benefit; and Plaintiffs submit their memorandum of law in support (filed contemporaneously with this Motion).

Respectfully submitted, this the 16th day of August, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification of the same to all counsel of record in this matter.

This 16th day of August, 2018.

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