

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BETTER DAYS AHEAD
OUTREACH INC. et al,**

Plaintiffs,

v.

BOROUGH OF POTTSTOWN,

Defendant.

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CIVIL ACTION

NO. 2:23-CV-04234

ORDER

AND NOW, this 28th day of November, 2023, upon consideration of Plaintiff’s Motion for a Preliminary Injunction (ECF No. 4), Defendant’s Response in Opposition (ECF No. 15), Plaintiff’s Reply (ECF No. 20), and the evidentiary hearing and argument that took place on November 16, 2023 and November 20, 2023, it is hereby ORDERED that Plaintiff’s Motion is DENIED in part, and GRANTED in part.

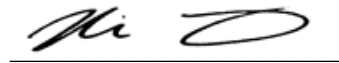
Defendant, Borough of Pottstown, may take steps to close the homeless encampment or require the unhoused residents to relocate from Borough of Pottstown-owned land next to the Schuylkill River Trail along College Drive, Pottstown, PA, also identified as 150, 160, and 320 Keystone Boulevard, Pottstown, PA (the “College Drive Encampment”)—HOWEVER, Defendant may not do so through the imposition of criminal penalties. It is hereby ORDERED as follows:

1. Borough of Pottstown, its agents and employees, are preliminarily enjoined from issuing any criminal citations, arrests or fines or threats to cite, arrest, or fine the unhoused residents of the College Drive Encampment who cannot practically obtain shelter as long as there are more unhoused individuals than there are shelter beds in Pottstown.

2. Pursuant to Federal Rule of Federal Procedure 65(c), Plaintiff's shall post nominal bail of \$1.00.

IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Mi D", is written above a horizontal line.

Hon. Mia R. Perez