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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

**BOBBY WARREN; ANDY LAMBACH;
JOHNATHON WILLIAMS; MICHAEL
SAMUELSON; TRACY MILLER;
TONA PETERSON; CAROL BETH
THOMPSON; CHRISTA STEVENS,**

Plaintiffs,

v.

**CITY OF CHICO; CITY OF CHICO
POLICE DEPARTMENT,**

Defendants.

Case No. 2:21-cv-00640

**[PROPOSED] TEMPORARY
RESTRAINING ORDER**

Date: Will Be Determined by Court
Time: Will Be Determined by Court
Courtroom: 3, 15th Floor
Judge: Hon. Kimberly J. Mueller

This matter is before the Court on Plaintiffs' ex parte motion for temporary restraining order. All Parties were given notice. Having considered the papers filed in support of Plaintiffs' motion for a temporary restraining order, and any opposition thereto, for good cause shown, the Court hereby enters the following Order:

1 The Court finds that a temporary restraining order is warranted pursuant to Federal Rule of
2 Civil Procedure 65 and Civil Local Rule 231. Plaintiffs have carried their burden of demonstrating
3 that they are likely to succeed on the merits, that they would be irreparably harmed in the absence
4 of a temporary restraining order, that the equities weigh in favor of granting the requested
5 temporary restraining order, and that the temporary restraining order would not be against the
6 public interest. The Court also finds that Plaintiffs have no other adequate legal remedy to preserve
7 the status quo.

8 This order is based, in part, on a finding that there are not enough available emergency
9 shelter beds or other emergency shelter for the number of unhoused persons in Chico, California.

10 Accordingly, IT IS HEREBY ORDERED that Plaintiffs' motion for a temporary restraining
11 order is GRANTED. The Court orders as follows:

- 12 1. Defendants City of Chico and Chico Police Department, their agents, servants, employees
13 and attorneys and those in active concert or participation with them are restrained and
14 enjoined from the following, pending this Court's resolution of Plaintiff's Motion for
15 Preliminary Injunction:

- 16 a. Enforcing or threatening to enforce the 72-Hour Illegal Encampment
17 Notifications dated April 8, 2021 at 12 p.m. at Comanche Creek Green
18 Way in Chico, California;
- 19 b. Issuing or enforcing any other 72-Hour Illegal Encampment Notifications
20 as to unhoused persons on public property in Chico, California;
- 21 c. Enforcing or threatening to enforce the Chico Municipal Code sections
22 listed in the April 8, 2021 72-hour Illegal Encampment Notification, which
23 are Municipal Code sections 12R.04.340, 12.18.430, 9.20.010 through
24 9.20.060; and 9.50.030. Enforcement and threat of enforcement of §
25 9.20.030 (Unlawful Camping) is only restrained on public property.
26 Enforcement and threat of enforcement of § 9.50.030 is limited to §§
27 9.50.030 (B) -(E) (Waterways Ordinance - Camping, Staying, Storage of
28 Personal Property, Entering and Remaining);

1 d. Enforcing or threatening to enforce California Penal Code § 647(c), which
2 is listed on the April 8, 2021 at 12 p.m. Illegal Encampment Notification;
3 and

4 e. Destroying property of unhoused persons seized by Defendants even if
5 Defendants value the property at \$100 or less and/or determine it is not of
6 reasonable value.

7 2. There is no cost to Defendants and Plaintiffs are indigent, unhoused persons, so no
8 security bond is required.

9 3. Since this Temporary Restraining Order was granted on ex parte notice, Defendants may
10 apply to the court for modification or dissolution on two days' notice or such shorter
11 notice as the court may allow.

12
13 IT IS SO ORDERED.

14
15 DATE and TIME _____

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18 _____
19 Hon. Kimberly J. Mueller
20 United States District Judge
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