

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MICHAEL A. MCGUIRE,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:11-CV-1027-WKW
)	
CITY OF MONTGOMERY, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff Michael McGuire has moved for a preliminary injunction, asking the court to enjoin the enforcement of Alabama’s sex offender registration laws against him while his suit challenging those laws is pending. (Doc. # 99; *see also* Doc. # 74 (Plaintiff’s Third Amended Complaint).) Defendants moved to dismiss Plaintiff’s Amended Complaint (Docs. #78, 80, 83, 86), and the court granted their motions with respect to eleven of Plaintiff’s twelve substantive claims (Doc. # 112).

The decision to grant or deny a preliminary injunction “is within the sound discretion of the district court.” *Palmer v. Braun*, 287 F.3d 1325, 1329 (11th Cir. 2002). To prevail on a motion for preliminary injunction, the moving party bears the burden of demonstrating that

- (1) it has a substantial likelihood of success on the merits;
- (2) irreparable injury will be suffered unless the injunction issues;
- (3) the threatened injury to the movant outweighs whatever damage the proposed

injunction may cause the opposing party; and (4) if issued, the injunction would not be adverse to the public interest.

Am. Civil Liberties Union of Fla., Inc. v. Miami-Dade Cnty. Sch. Bd., 557 F.3d 1177, 1198 (11th Cir. 2009) (quoting *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc)). A preliminary injunction is appropriate only where the movant satisfies the burden of persuasion on all four prongs. *Am. Civil Liberties Union of Fla.*, 557 F.3d at 1198. “[P]reliminary injunctions of legislative enactments – because they interfere with the democratic process and lack the safeguards against abuse or error that come with a full trial on the merits – must be granted reluctantly and only upon a clear showing that the injunction before trial is definitely demanded by the Constitution and by the other strict legal and equitable principles that restrain courts.” *Northeastern Fla. Chapter of Ass’n of GenContractors of Am. v. City of Jacksonville, Fla.*, 896 F.2d 1283, 1285 (11th Cir. 1990).

Here, Plaintiff has failed to carry the burden of persuasion on all four elements. First, for the reasons stated in the court’s order granting in part Defendants’ motions to dismiss, Plaintiff has failed to demonstrate a substantial likelihood of success on the merits. (Doc. # 112.) Second, enjoining Alabama’s sex offender registration laws would upset the operation of a duly enacted statutory scheme that affects more than ten thousand registrants and the communities where each of them live and work. Plaintiff has neither demonstrated that the injury to him outweighs that to the

opposing party without the injunction, nor that enjoining Alabama's sex offender registration laws would not be adverse to the public interest.

Accordingly, it is ORDERED that Plaintiff's Motion for a Preliminary Injunction (Doc. # 99) is DENIED.

DONE this 29th day of March, 2013.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE