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14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA: FRESNO DIVISION
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18 Pamela Kincaid, Doug Deatherage, Charlene
19 Clay, Cynthia Greene, Joanna Garcia, and
Randy Johnson, Individually on Behalf of
20 Themselves and All Others Similarly Situated,
Plaintiffs,

21 v.

22 City of Fresno, California Department of
23 Transportation, Alan Autry, Jerry Dyer, Greg
Garner, Reynaud Wallace, John Rogers, Phillip
24 Weathers, and Will Kempton, individually and
in their official capacities; DOES 1-100,
25 inclusive,

26 Defendants.
27

Case No.: 1:06-CV-1445-OWW-SMS

TEMPORARY RESTRAINING
ORDER AND ORDER RE
PRELIMINARY INJUNCTION
HEARING

1 Having considered plaintiffs' complaint, memorandum of points and authorities,
2 declarations and related documentation submitted by the parties,

3 IT IS HEREBY ORDERED AS FOLLOWS:

4 1. Pending development of a full evidentiary record at a hearing on motion for
5 preliminary injunction, the City of Fresno, and its Police Department, and all those acting
6 for, under and/or in concert with them or who have actual notice of this order, are
7 temporarily restrained and enjoined from immediately destroying the property of homeless
8 persons during protective sweeps, activities to remove homeless persons from temporary
9 shelter sites, or other activities to seize the personal property of homeless persons, without
10 providing constitutionally adequate notice and meaningful opportunity to be heard
11 concerning the seizure and destruction of such personal property.

12 2. Defendant City of Fresno shall file and serve its opposition to plaintiffs' Motion
13 for Preliminary Injunction on or before November 1, 2006. Plaintiffs' shall file and serve
14 any Reply to this response on or before November 6, 2006. A hearing is hereby set for
15 consideration of the Motion for Preliminary Injunction for November 7, 2006, commencing
16 at 9:00 a.m. before Judge Oliver W. Wanger unless otherwise ordered.

17 3. Pending the hearing on the Motion for Preliminary Injunction, plaintiffs are
18 exempted from the requirement to post a bond.

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20 Dated: 10/25/2006

/s/ Oliver W. Wanger

21 Oliver W. Wanger

22 United States District Judge
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