

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

JOHN W. TISDALE, JR., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. 2:16-CV-387-WKW
)	(WO)
THE CITY OF ANDALUSIA,)	
ALABAMA,)	
)	
Defendant.)	

TEMPORARY RESTRAINING ORDER

Before the court is Plaintiffs' motion for temporary restraining order and preliminary injunction. (Doc. # 3.) This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiffs allege that, in violation of the Fifth and Fourteenth Amendments to the United States Constitution, Defendant City of Andalusia intends to demolish and repair certain structures on Plaintiffs' properties on or before May 31, 2016. Having considered the motion, the court concludes that the motion for temporary restraining order is due to be granted.

Plaintiffs have met the procedural requirements for filing a motion for temporary restraining order. Further, they have demonstrated (1) a substantial likelihood of success on the merits; (2) that, if the relief is not granted, they will suffer irreparable injury in the form of permanent destruction of or damage to the property that is described in the complaint; (3) that the threatened injury outweighs

the harm the relief would inflict on the City of Andalusia; and (4) that entry of the relief would serve the public interest. *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225 (11th Cir. 2005). The court notes that a restraining order temporarily prohibiting destruction of buildings that have allegedly long been in disrepair will impose little if any burden on the City of Andalusia, and no financial risk.

For the foregoing reasons, it is ORDERED that Plaintiffs' Motion for Temporary Restraining Order (Doc. # 3) is GRANTED as follows:

1. It is ORDERED that Defendant City of Andalusia is RESTRAINED and ENJOINED from repairing or demolishing the structures that are the subject of Plaintiffs' complaint.
2. It is further ORDERED that, **on or before May 31, 2016**, Plaintiffs shall post with the Clerk of the Court a surety bond in the amount of \$1000, in order to secure the payment of any costs and damages that may be sustained by any party who is found to have been wrongfully enjoined or restrained.
3. It is ORDERED that this temporary restraining order shall expire at **5:00 p.m. on June 10, 2016**.
4. It is ORDERED that motion for preliminary injunction is set for a hearing on **9:00 a.m. on June 10, 2016**, in Courtroom in courtroom 2-B of the Frank M. Johnson, Jr. U.S. Courthouse, in Montgomery, Alabama. Counsel shall appear in

person, and telephonic appearances will not be permitted. The Clerk of the Court is DIRECTED to provide a court reporter for the hearing.

Plaintiff is DIRECTED to promptly serve Defendant with a copy of this Order.

DONE this 27th day of May, 2016.

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