

1 HELLER EHRMAN LLP
 2 PAUL ALEXANDER (SBN: 49997)
 275 Middlefield Road
 3 Menlo Park, CA 94025-3506
 Telephone: (650) 324-7000
 4 Facsimile: (650) 324-0638
 E-mail: paul.alexander@hellerehrman.com

5 LAWYERS' COMMITTEE FOR CIVIL RIGHTS
 6 OREN SELSTROM (SBN: 161074)
 ELISA DELLA-PIANA (SBN: 226462)
 7 131 Steuart Street
 San Francisco, CA 94105
 Telephone: (415) 543-9444
 8 Facsimile: (415) 543-0296
 E-mail: osellstrom@lccr.com

10 ACLU OF NORTHERN CALIFORNIA
 ALAN SCHLOSSER (SBN: 49957)
 11 MICHAEL T. RISHER (SBN: 191627)
 39 Drumm Street
 San Francisco, CA 94111
 Telephone: (415) 621-2493
 12 Facsimile: (415) 255-8437
 13 E-mail: mrisher@aclunc.org

14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA: FRESNO DIVISION

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.

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

**TEMPORARY RESTRAINING
 ORDER AND ORDER RE
 PRELIMINARY INJUNCTION
 HEARING**

Heller
 Ehrman LLP

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.

19
20
21
22
23
24
25
26
27
28

Dated: 10/25/2006

/s/ Oliver W. Wanger
Oliver W. Wanger
United States District Judge