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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YESICA PRADO, et al.,
Plaintiffs,
v.
CITY OF BERKELEY,
Defendants.

Case No. 23-cv-04537-EMC

**ORDER TEMPORARILY ENJOINING
ENCAMPMENT CLOSURE**

Docket No. 42

Plaintiffs have filed an emergency motion seeking various forms of relief related to one of the named plaintiffs, Mr. Spencer. *See* Docket No. 42-1 (proposed order) (asking that the City be ordered to remove fences preventing Mr. Spencer from returning to his original camp; that the City be enjoined from closing Mr. Spencer’s current camp; and that the City be ordered to show cause why sanctions should not issue). Having considered Plaintiffs’ submissions, the Court hereby temporarily **ENJOINS** the City from closing Mr. Spencer’s current camp – *i.e.*, from enforcing the notice issued on November 9, 2023, stating that the camp would be closed on November 14, 2023. *See* Nicoletti Decl., Ex. F (noticed issued to “Persons Encamped on South Side of Harrison between 8th and 7th Street”). The balance of hardships tips sharply in Mr. Spencer’s favor given that he is unable to return to his original camp and that the City has directed him to leave his current camp (even though, apparently, the City previously advised him he could be there). There are also serious questions going to the merits given that the City appears not to have complied with the Court’s prior order allowing campers such as Mr. Spencer to return to their original camps (*i.e.*, after the abatement). *See* Docket No. 26 (Order at 16).

The Court shall hold a hearing on Plaintiff’s motion on November 14, 2023, at 1:30 p.m.

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The City may file an opposition to the motion by 10:00 a.m. on November 14, 2023.

IT IS SO ORDERED.

Dated: November 13, 2023


EDWARD M. CHEN
United States District Judge