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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**STATE OF CALIFORNIA et al.;**  
  
Plaintiffs,  
  
v.  
  
**DONALD J. TRUMP**, in his official capacity  
as President of the United States of America et  
al.;  
  
Defendants.

Case No. 4:19-cv-00872-HSG  
  
**[PROPOSED] ORDER GRANTING  
PLAINTIFF CALIFORNIA’S MOTION  
FOR PRELIMINARY INJUNCTION  
REGARDING EL CENTRO BORDER  
WALL PROJECT**  
  
Judge: Honorable Haywood S. Gilliam,  
Jr.  
Trial Date: None Set  
Action Filed: February 18, 2019

1 On May 29, 2019, Plaintiff State of California (California or Plaintiff) filed a Motion for  
2 Preliminary Injunction regarding the El Centro Border Wall Project (Motion). The Court has  
3 considered the Motion and documents filed therewith, all of the papers on file in this action, and  
4 hereby GRANTS Plaintiff State of California's Motion. The Court finds that each of the  
5 necessary elements for issuing a preliminary injunction are met. In particular, the Court finds that  
6 Plaintiff State of California is likely to prevail on the merits of its claims; absent a preliminary  
7 injunction, California would be likely to suffer irreparable injuries; the balance of the equities  
8 favor California; and the requested relief is in the public interest.

### 9 PRELIMINARY INJUNCTION

10 Now, therefore, it is hereby ORDERED that:

11 Defendants Patrick M. Shanahan, in his official capacity as Acting Secretary of Defense,  
12 Mark T. Esper, in his official capacity as Secretary of the Army, Richard V. Spencer, in his  
13 official capacity as Secretary of the Navy, Heather Wilson, in her official capacity as Secretary of  
14 the Air Force, and the United States of America and the Department of Defense, and their  
15 officers, agents, servants, employees, and attorneys, and any other persons who are in active  
16 concert or participation with them, ARE HEREBY RESTRAINED AND ENJOINED from  
17 committing, or performing directly and indirectly, any and all of the following acts during the  
18 pendency of this action: Diverting any funding or resources pursuant to sections 8005 and 9002 of  
19 the Fiscal Year 2019 Department of Defense Appropriations Act, P.L. No. 115-245 or 10 U.S.C.  
20 section 284 toward the construction of any barrier or border-related infrastructure and/or project  
21 along the southern border of California. Further, these Defendants and Defendants Kevin  
22 McAleenan, in his official capacity as Acting Secretary of Homeland Security, and the  
23 Department of Homeland Security, and their officers, agents, servants, employees, and attorneys,  
24 and any other persons who are in active concert or participation with them, ARE HEREBY  
25 RESTRAINED AND ENJOINED during the pendency of this action from obligating any  
26 funding, including but not limited to, the awarding of and/or entering into any contracts, toward  
27 the construction of any barrier or border-related infrastructure and/or project along the southern  
28 border of California through the use of any funds diverted pursuant to sections 8005 and 9002 of

1 the Fiscal Year 2019 Department of Defense Appropriations Act, P.L. No. 115-245 or 10 U.S.C.  
2 section 284.

3 Defendants Kevin McAleenan, in his official capacity as Acting Secretary of Homeland  
4 Security, Patrick M. Shanahan, in his official capacity as Acting Secretary of Defense, Mark T.  
5 Esper, in his official capacity as Secretary of the Army, Richard V. Spencer, in his official  
6 capacity as Secretary of the Navy, Heather Wilson, in her official capacity as Secretary of the Air  
7 Force, and the United States of America, the Department of Homeland Security, and the  
8 Department of the Defense, and their officers, agents, servants, employees, and attorneys, and any  
9 other persons who are in active concert or participation with them, ARE HEREBY  
10 RESTRAINED AND ENJOINED from committing, or performing directly and indirectly, any  
11 and all of the following acts during the pendency of this action: Taking any further action related  
12 to the construction of any barrier or border-related infrastructure and/or project in the El Centro  
13 Sector in California unless and until Defendants comply with the National Environmental Policy  
14 Act, 42 U.S.C. sections 4321-4370m-12.

15 **IT IS SO ORDERED.**

16 Dated: \_\_\_\_\_

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18 The Honorable Haywood S. Gilliam, Jr.  
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