

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

APRIL PENN,

Plaintiff,

v.

CHRISTOPHER NUNN, in his
official capacity as Commissioner
of the Georgia Department of
Community Affairs,

Defendant.

CIVIL ACTION FILE

NO. 1:18-cv-1895-TCB

ORDER

This case comes before the Court on Plaintiff April Nunn's motion [2] for a preliminary injunction. After entering a temporary restraining order reinstating Penn's Section 8 housing subsidy, the Court heard oral arguments on the preliminary injunction. The Court reserved a final ruling on the preliminary injunction and subsequently ordered supplemental briefing on an issue related to Penn's claims that Defendant Department of Community Affairs ("DCA") violated the U.S.

Housing Act, 42 U.S.C. § 1437d(k), the violation of which she seeks to redress pursuant to 42 U.S.C. § 1983.

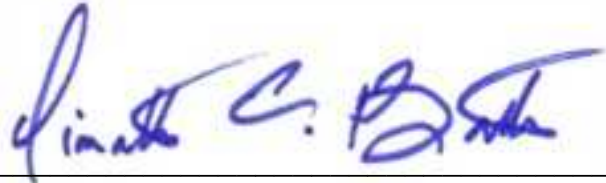
After carefully considering the parties' arguments, the Court finds that Penn has demonstrated a substantial likelihood of success on the merits, is likely to suffer irreparable harm in the absence of an injunction, the harm to her outweighs the harm to DCA, and an injunction would not disserve the public interest. *See Johnson & Johnson Vision Care v. 1-800-Contacts.com*, 299 F.3d 1242, 1246–47 (11th Cir. 2002).

Accordingly, the Court grants in full Penn's motion [2] for a preliminary injunction. DCA, by and through Commissioner Nunn in his official capacity, is hereby enjoined from terminating Penn's Section 8 Housing Choice Voucher Program, which is reinstated immediately with all rights and benefits to which she would otherwise be entitled as a program participant in good standing.

Due to the impending June rental cycle, DCA is further ordered to ensure that Penn's June subsidy payments are processed immediately and coordinate with Penn's counsel to communicate the substance and

nature of this Order to her landlord as necessary. This Order shall remain in effect for the duration of this action or until ordered otherwise. A full memorandum opinion addressing the parties' arguments will issue forthwith.

IT IS SO ORDERED this 31st day of May, 2018.

A handwritten signature in blue ink, appearing to read "Timothy C. Batten, Sr.", written over a horizontal line.

Timothy C. Batten, Sr.
United States District Judge