

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JOSEPH ASHLEY,)
4)
5 Plaintiff,)
6 vs.)
7 CITY OF LAS VEGAS; LAS VEGAS)
8 MARSHALS; FREMONT STREET)
9 EXPERIENCE, LLC;)
10 Defendants.)

Case No.: 2:16-cv-02053-GMN-VCF

ORDER

11 Pending before the Court is the Emergency Motion for Preliminary Injunction, (ECF No.
12 8), filed by Plaintiff Joseph Ashley on October 25, 2016. Plaintiff alleges that the restrictions
13 set forth in Las Vegas Municipal Code § 11.68 violate his First and Fourteenth Amendment
14 rights under the U.S. Constitution. (Am. Compl., ECF No. 5). Accordingly, Plaintiff argues
15 that a preliminary injunction is necessary to prevent continued enforcement of an
16 unconstitutional law. (Mot. for Prelim. Inj. 15:1-2, ECF No. 8).

17 Per Local Rule 7-4, emergency motions are only appropriate in rare circumstances and
18 must specifically detail the nature of the emergency. Here, Plaintiff is a student at Indiana
19 University who "spends his summers expressing his speech [in Las Vegas]." (Id. 2:22-23).
20 Given that Plaintiff is not presently attempting to exercise speech in Las Vegas, the Court finds
21 that Plaintiff has failed to demonstrate why this motion should be considered on an emergency
22 basis. Accordingly, the Court will address Plaintiff's Motion for Preliminary Injunction at a
23 time after the motion has been fully briefed.

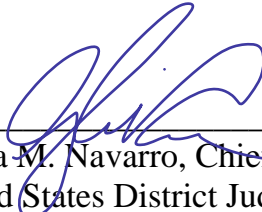
24 Plaintiff alternatively requests that the Court issue a Temporary Restraining Order that
25 prevents Defendants or their agents from enforcing Las Vegas Municipal Code § 11.68. (Id.
1:17-18). In order to succeed on this request, Plaintiff must establish "that he is likely to

1 succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary
2 relief, that the balance of equities tips in his favor, and that an injunction is in the public
3 interest.” Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). Here, Plaintiff has
4 failed to demonstrate that he is likely to suffer irreparable harm in the absence of a Temporary
5 Restraining Order. Notably, Plaintiff has not offered evidence that his free speech rights are
6 presently being impaired or are likely to be impaired within the timeframe of a Temporary
7 Restraining Order. Accordingly,

8 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Preliminary Injunction, (ECF
9 No. 8), will not be considered on an emergency basis. The Court will address Plaintiff’s
10 Motion at a time after it has been fully briefed.

11 **IT IS FURTHER ORDERED** that Plaintiff’s request for a Temporary Restraining
12 Order is **DENIED without prejudice**.

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14 **DATED** this 27 day of October, 2016.

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19 Gloria M. Navarro, Chief Judge
20 United States District Judge
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