

1
2
3
4
5
6
7
8
9
10

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WILLIAM DEANS,

Plaintiff,

v.

LAS VEGAS CLARK COUNTY LIBRARY
DISTRICT, *et al.*,

Defendants.

Case No. 2:16-cv-02405-APG-PAL

**ORDER (1) DENYING REQUEST TO
HEAR MOTION FOR TEMPORARY
RESTRAINING ORDER ON AN EX
PARTE BASIS; (2) DIRECTING
SERVICE; AND (3) SETTING
HEARING**

(ECF No. 3)

11
12
13
14
15
16
17
18
19

Plaintiff William Deans filed this civil rights lawsuit alleging the defendants violated his First Amendment rights by prohibiting him from attempting to obtain signatures for a petition and educating voters about how to register to vote. According to Deans, he was in a public plaza outside a public library on the campus of the College of Southern Nevada and was not obstructing the entrance. He asserts the defendants told him he had to pre-register and he had to move to a designated location which, according to Deans, is far from foot traffic into the library. Deans also alleges the defendants issued him a trespass notice under which he may not visit any branch of the Las Vegas-Clark County Library District for one year. They then threatened him with arrest if he did not leave.

20
21
22
23

Under threat of arrest, Dean left and later complained to defendant Randall Perkins, a lieutenant with the campus police. Perkins allegedly told Deans that he would investigate the incident but that the investigation would be completed no earlier than October 25, 2016. Deans requested Perkins lift the trespass notice while the investigation was pending but Perkins refused.

24
25
26
27
28

Deans seeks emergency injunctive relief because the deadline to register voters in Nevada expires tomorrow, October 18, 2016, and the national election is rapidly approaching.

1 Deans seeks relief on an ex parte basis but provides no basis to proceed without notice to
2 the defendants. Deans has not complied with Local Rule 7-4 for emergency motions because he
3 has not provided the office addresses and telephone numbers of all affected parties nor has he
4 provide a statement certifying when and how the defendants were notified of the motion or, if not
5 notified, why it was not practicable to do so.

6 Nevertheless, given the importance of the issues involved and the voter registration
7 deadline tomorrow, I will not strike Deans' motion. But I will not consider it on an ex parte
8 basis. I therefore direct Deans to serve the complaint, his motion for a temporary restraining
9 order, and a copy of this order on the defendants immediately so that all parties may be heard at
10 the hearing on the motion. **If Deans is able to serve the defendants by 1:30 p.m. today, then**
11 **the hearing will be at 4:00 p.m. today. If not, then the hearing will be at 10:00 a.m.**
12 **tomorrow, October 18, 2016.**

13 IT IS THEREFORE ORDERED that plaintiff William Deans shall serve the complaint,
14 his motion for a temporary restraining order, and a copy of this order on the defendants
15 immediately.

16 IT IS FURTHER ORDERED that plaintiff William Deans' emergency motion for a
17 temporary restraining order (ECF No. 3) is set for hearing as follows: **if Deans is able to serve**
18 **the defendants by 1:30 p.m. today, and provide proof of service, then the hearing will be at**
19 **4:00 p.m. today. If not, then the hearing will be at 10:00 a.m. tomorrow, October 18, 2016.**
20 **The hearing will take place in courtroom 6C in Las Vegas.**

21 DATED this 17th day of October, 2016.

22
23 
24 _____
25 ANDREW P. GORDON
26 UNITED STATES DISTRICT JUDGE
27
28