

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TITLEMAX OF TEXAS, INC., IVY
FUNDING COMPANY LLC, and NCP
FINANCE LIMITED PARTNERSHIP

v.

CITY OF DALLAS

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CIVIL ACTION NO. 3:21-CV-1040-S-BN

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation (“FCR”) in this case [ECF No. 27]. Defendants filed objections (“Objections”) [ECF No. 34]. The District Court reviewed *de novo* those portions of the FCR to which objection was made and reviewed the remaining portions of the FCR for plain error.

Plaintiffs object that the Magistrate Judge imposed an inappropriately high standard for obtaining preliminary injunctive relief. *See* Objs. 6-11. This Court agrees with the Magistrate Judge that the appropriate standard to apply is the standard for mandatory injunctions, as laid out in the FCR, as opposed to the lower standard for prohibitory injunctions. *See* FCR 5-11. However, considering the record, and for the reasons expressed in the FCR, Plaintiffs also cannot prevail under the lower burden of proof they urge this Court to apply.

Accordingly, the Court finds no error, and **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. Plaintiffs TitleMax of Texas, Inc., Ivy

Funding Company LLC, and NCP Finance Limited Partnership's motion for a preliminary injunction under Federal Rule of Civil Procedure 65 [ECF. No. 11] is therefore **DENIED**.

SO ORDERED.

SIGNED October 27, 2021.

A handwritten signature in black ink, appearing to read 'Karen Gren Scholer', written over a horizontal line.

KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE