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## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

THE HONORABLE RICK PERRY,	§	
	§	
Plaintiff,	§	
	§	
<b>v.</b>	§	Civil No. 3:11-cv-856
	§	
CHARLES JUDD, KIMBERLY	§	
<b>BOWERS, and DON PALMER, members</b>	§	
of the Virginia State Board of Elections, in	§	
their official capacities, and PAT	§	
MULLINS, in his official capacity as	§	
Chairman of the Republican Party of	§	
Virginia,	§	
	§	
Defendants.	§	

# **Emergency Motion for Temporary Restraining Order**<u>and Preliminary Injunction</u>

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff, The Honorable Rick Perry, by counsel, respectfully moves for a temporary restraining order and preliminary injunction to:

- 1. Enjoin Defendants from enforcing the state-residency requirement for petition circulators found in the State Board of Elections "Petition of Qualified Voters for Presidential Primary," as authorized by Virginia Code § 24.2-545;
- 2. Order the Virginia State Board of Elections not to conduct their drawing for placement of candidate names on the March 6, 2012 primary ballots, nor print and distribute without Plaintiff's name on them; and
- 3. Order the Virginia State Board of Elections to print ballots for the Republican primary including Plaintiff's name for the office of President of the United States.

This motion is made on the grounds specified in this motion, Plaintiff's memorandum in

support hereof, and the Complaint, and such other and further evidence as may be presented to the Court at the time of the hearing.

Respectfully Submitted,

### THE HONORABLE RICK PERRY

#### /s/

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ATTORNEYS FOR PLAINTIFF
THE HONORABLE RICK PERRY

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 28, 2011, I will electronically file the foregoing document with the Clerk of the Court using the CM/ECF System, which will then send a notification of such filing (NEF) to all counsel of record.

I have also arranged for hand service of the foregoing document on the following Defendants, who have yet to make an appearance in this case:

CHARLES JUDD, KIMBERLY BOWERS, and DON PALMER, members of the Virginia State Board of Elections, in their official capacities,

and

PAT MULLINS,

in his official capacity as Chairman of the Republican Party of Virginia.

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