

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DONYA PIERCE et al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case No. _____
THE CITY OF Velda City,)	
)	Expedited Hearing Requested
Defendant.)	(Class Action)
)	

MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiffs, by and through counsel, request this court to grant an emergency hearing, order to show cause and a temporary restraining order and preliminary injunction directing specific action by Defendant to ensure that plaintiffs and others are.

In support thereof, Plaintiffs’ state:

1. Plaintiffs incorporate by reference their Complaint for injunctive relief filed in conjunction with this Motion. Plaintiffs rely upon the Complaint, the Exhibits and Declarations filed herewith and the Memorandum of Law in Support of Plaintiffs’ Motion.
2. The practices described in Plaintiffs’ complaint, have resulted and will continue to result in the deprivation of liberty of the Plaintiffs, causing irreparable harm to Plaintiffs and others similarly situated.
3. The constitutional rights of Plaintiffs will be denied, and irreparable harm will result, if the Court does not issue immediate relief in the form of issuing a Temporary Restraining Order enjoining Defendant from continuing to jail people

- who are too poor to buy their freedom with a monetary payment according to a pre-set bail schedule.
4. Plaintiffs' Constitutional rights have been violated through the policy and practice of the City of Velda City.
 5. Unless relief is granted, Plaintiffs and others similarly situated will be denied equal protection and due process protections guaranteed by the Fourteenth Amendment to the United States Constitution causing irreparable harm.
 6. The balance of harms favors the equal protection and due process of Plaintiffs. The relief sought herein can be provided without undue harm or burden to Defendants, whereas irreparable harm will result if Plaintiffs Fourteenth Amendment due process and equal protection rights are curtailed.
 7. Plaintiffs have a likelihood of success on the merits in support of emergency injunctive relief.
 8. The public interest in the right to equal protection and due process supports emergency injunctive relief.

WHEREFORE, Plaintiffs pray that this court:

- (1) Grant an immediate hearing and Order to Show Cause on this Petition;
- (2) Order Defendant to release from its custody named Plaintiff Donya Pierce, either on her own recognizance or subject to an unsecured bond or other reasonable and lawful non-financial conditions;
- (3) Order Defendants to release, subject to standard booking procedures, any other ordinance violation arrestees in its custody or who become in its custody on their

own recognizance or on an unsecured bond in a manner consistent with state and federal law.

Respectfully Submitted,

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