

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JACKSON BLAIN, et al.,
Plaintiffs,
v.
GAVIN NEWSOM, et al.,
Defendants.

Case No. [3:22-cv-04178-WHO](#)

TEMPORARY RESTRAINING ORDER

Re: Dkt. No. 2

The plaintiffs, homeless individuals at the Wood Street encampment in Oakland, California, seek a temporary restraining order (“TRO”) against agencies and officials of the State of California, City of Oakland, and County of Alameda to prevent a planned closure of the encampment and removal of the plaintiffs and their possessions.¹ See Dkt. No. 2. I have reviewed the complaint, motion for a TRO, and supporting exhibits.

The plaintiffs have met the standard for temporary relief that preserves the status quo until the defendants can appear and be heard; the motion for a TRO is GRANTED. See Fed. R. Civ. P. 65(b); *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011). Because of the abrupt timeline on which notice appears to have been given to the plaintiffs and the imminence of the closure, this TRO will issue without notice. See Fed. R. Civ. P. 65(b)(1). Its terms appear at the end of this Order.

The Clerk of the Court shall immediately issue summonses for all defendants and the U.S.

¹ The defendants are the California Department of Transportation (“Caltrans”), the Director of Caltrans, the Governor of California, the Director of Caltrans District 4, the City of Oakland, the Mayor of Oakland, the City Manager of Oakland, the County of Alameda, the Administrator of the County of Alameda, and the Burlington Northern Santa Fe Railroad and its President and CEO.

1 Marshall shall immediately serve a copy of the summons, complaint, motion for a TRO, and this
 2 Order on all defendants. Separately, the Clerk of the Court shall immediately, no later than noon
 3 today, electronically serve a copy of this Order, the complaint, and the motion for a TRO, on the
 4 Attorney General of the State of California at AGelectronicsservice@doj.ca.gov and the Oakland
 5 City Attorney at claims@oaklandcityattorney.org; the Clerk shall immediately, no later than noon
 6 today, transmit a copy of those documents by facsimile to the Alameda County Counsel at 510-
 7 272-5020. Because the plaintiffs are proceeding pro se and have moved to proceed in forma
 8 pauperis, and the defendants' announcement states that the defendants are coordinating on the
 9 closure of the encampment, each defendant that receives notice of this suit (in any manner) is
 10 ORDERED to immediately contact counsel for the remaining defendants and provide notice of the
 11 suit.

12 A hearing on whether to maintain the TRO pending a determination about the issuance of a
 13 preliminary injunction is set for Friday, July 22, 2022, at 10:00 am via Zoom videoconference.

14 The defendants may file responsive briefs of no more than 15 pages by noon on July 21, 2022.
 15 The defendants are encouraged to file their response jointly to the extent it is appropriate. The
 16 briefing will solely address whether a TRO should remain in place until a decision on a
 17 preliminary injunction can be made. A briefing schedule on a preliminary injunction will be set, if
 18 appropriate, at the hearing.

19 **TEMPORARY RESTRAINING ORDER**

20 This TRO applies to the named defendants; their officers, agents, servants, employees, and
 21 attorneys; and persons who are in active concert or participation with the foregoing individuals
 22 and entities. These individuals and entities are hereby **RESTRAINED** from proceeding with
 23 planned removal of persons, personal possessions, and structures from the Wood Street
 24 encampment; closing the Wood Street encampment; or otherwise removing homeless individuals
 25 from the Wood Street encampment.

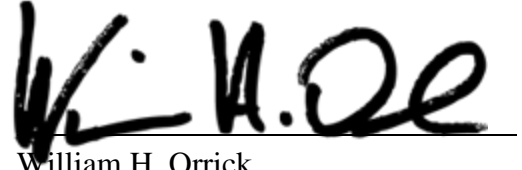
26 This TRO does not prohibit particularized removals or other actions that are unrelated to
 27 the planned closure of the Wood Street encampment (such as lawfully removing possessions in the
 28 course of suppressing a fire or effectuating a lawful arrest for reasons unrelated to the planned

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

closure).

IT IS SO ORDERED.

Dated: July 19, 2022



William H. Orrick
United States District Judge

United States District Court
Northern District of California