YOUR NAME

Mailing Address

City, State, ZIP

Phone Number

Your Name

Plaintiff in Pro Per

### **IN THE UNITED STATES DISTRICT COURT FOR THE \_\_\_\_\_\_\_ DISTRICT OF**

### **\_\_\_\_\_\_\_**

| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Plaintiff/Petitioner,  v.  Elon Musk, DOGE (Department of Government Efficiency) UNITED STATES TREASURY, Defendants,  Defendant/Respondent | Case No.:  NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION  Cal. Code of Civ. Proc. 526(a)    Date: Hearing Date]  Time: Hearing Time  Location: Dept. Department  Judge: Hon. Judge's Name  Date Action Filed: Date Filed    Trial Date: Not Yet Set |
| --- | --- |

To Defendant(s) ELON MUSK, DOGE (DEPARTMENT OF GOVERNMENT EFFICIENCY), UNITED STATES TREASURY, and to their attorney(s) of record:

**NOTICE IS HEREBY GIVEN** that on [Leave Blank for Hearing Date], at [Leave Blank for Hearing Time], or as soon thereafter as the matter may be heard, in Department [Leave Blank for Department] of this court, located at [Leave Blank for Address], Sacramento, MYRON WARD will, and hereby does, move for the issuance of a preliminary injunction enjoining Defendant(s), their employees, agents, and persons acting with him/her/it, or on his/her/its behalf, from:

1 Using or manipulating the Treasury payment system in a manner that disrupts or jeopardizes the delivery of federal unemployment benefits.

2 Taking any action that causes harm to federal payment systems, including those used to process unemployment benefits in the United States.

This motion is made pursuant to the provisions of Code of Civil Procedure section 526(a) on the grounds that the Defendant(s)’ actions are causing immediate and irreparable harm to the Plaintiff and other Americans who rely on unemployment benefits for their livelihood.

This motion is based upon the memorandum in support, the declaration(s) of MYRON WARD filed herewith, on the records and file herein, and on such evidence as may be presented at the hearing of the motion.

Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the department may be downloaded off the court’s website. If the party does not have online access, they may call the dedicated phone number for the department as referenced in the local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held.

Dated: [Today’s Date] Signature: MYRON WARD, In Pro Per

**MEMORANDUM OF POINTS AND AUTHORITIES**

**INTRODUCTION**

Plaintiff MYRON WARD brings this motion for a preliminary injunction to prevent Defendant ELON MUSK, DOGE (Department of Government Efficiency), and UNITED STATES TREASURY from engaging in actions that could disrupt the federal unemployment benefit system in the United States. This is a matter of significant public interest, as the ability to rely on the federal government’s unemployment benefit system is vital to individuals across the nation, including the Plaintiff. The actions of the Defendant(s) threaten immediate, irreparable harm to the Plaintiff, his livelihood, and the broader public.

**FACTUAL BACKGROUND**

Plaintiff MYRON WARD is a United States citizen who has been receiving unemployment benefits after losing his job. The United States Treasury is responsible for administering these benefits through a secure financial system.

Defendant ELON MUSK, through his ownership and control over DOGE (Department of Government Efficiency), has the ability to influence and manipulate financial systems. This includes systems that intersect with or disrupt the federal payment systems, such as unemployment benefits.

Defendant DOGE (Department of Government Efficiency) is a government entity responsible for overseeing and regulating financial systems, including those used to process unemployment benefits.

Defendant UNITED STATES TREASURY is responsible for ensuring that federal payments, including unemployment benefits, are administered and distributed securely to the citizens of the United States.

The actions and manipulation by Defendant(s) have disrupted the proper functioning of the Treasury’s payment systems, which has directly affected MYRON WARD and others who depend on timely unemployment benefits.

**LEGAL STANDARD**

Under California Code of Civil Procedure section 526(a), a preliminary injunction may be issued if the Plaintiff demonstrates:

1 **Irreparable harm** will result if the injunction is not granted;

2 The Plaintiff has a **reasonable likelihood of success on the merits** of the case;

3 The **balance of hardships** favors the Plaintiff;

4 The issuance of the injunction is **in the public interest**.

**ARGUMENT**

**I. PLAINTIFF HAS DEMONSTRATED IRREPARABLE HARM** The Plaintiff and others like him rely on unemployment benefits for their survival. If the actions of the Defendant(s) continue, it will lead to a loss of unemployment benefits or significant delays in receiving them. Such disruption cannot be remedied with money damages and is therefore irreparable.

**II. PLAINTIFF HAS A REASONABLE LIKELIHOOD OF SUCCESS ON THE MERITS** The Plaintiff has a reasonable likelihood of success on the merits, which are based on several constitutional violations, as outlined below:

**A. Violation of the Nondelegation Doctrine** The Nondelegation Doctrine prohibits the delegation of legislative powers to executive agencies without clear, intelligible guidance. *Gundy v. United States*, 139 S. Ct. 2116 (2019), emphasizes the necessity of a clear guiding principle when delegating legislative authority to the executive branch. This doctrine prohibits Congress from transferring its core responsibilities to an agency or an individual without meaningful constraints. Here, DOGE’s control over the Treasury payment system constitutes an unconstitutional delegation of power as no intelligible principle has been provided by Congress to guide such actions.

**B. Violation of the Separation of Powers** The actions of DOGE and Elon Musk violate the constitutional separation of powers, which maintains the independence of the legislative, executive, and judicial branches of government. In *Seila Law LLC v. Consumer Financial Protection Bureau*, 140 S. Ct. 2183 (2020), the Court held that the structure of the CFPB violated the separation of powers by granting excessive independence to a single director. Similarly, DOGE’s consolidation of authority undermines the balance of power between branches. *Loper Bright Enterprises v. Raimondo*, 142 S. Ct. 1072 (2024), reinforced that executive agencies must not overstep their bounds and must operate within the authority granted by Congress.

**C. Violation of the Due Process Clause** The Plaintiff asserts that the Defendants’ actions violate the Plaintiff’s right to due process under the Fifth Amendment. The Plaintiff has been deprived of timely and efficient payment of benefits, violating fundamental procedural due process protections.

**D. Violation of the Administrative Procedure Act (APA)** Defendants’ actions violate the APA, which mandates that federal agencies adhere to procedural rules when implementing policies that affect citizens' rights. Defendants failed to provide proper notice or opportunity for public comment regarding changes to the Treasury payment system, violating the APA's procedural requirements.

**III. THE BALANCE OF HARDSHIPS FAVORS THE PLAINTIFF** The harm to the Plaintiff and others who rely on federal unemployment benefits outweighs any potential hardship to the Defendants from the issuance of an injunction. The Defendants' financial interests in DOGE are far less important than the harm caused to the public through the disruption of unemployment benefits.

**IV. THE ISSUANCE OF THE INJUNCTION IS IN THE PUBLIC INTEREST** Protecting the ability of the federal government to issue timely and secure unemployment payments is unquestionably in the public interest. The Plaintiff and others like him depend on these benefits to meet basic needs such as housing, food, and healthcare.

**CONCLUSION**

For the foregoing reasons, Plaintiff MYRON WARD respectfully requests that the Court issue a preliminary injunction enjoining Defendant ELON MUSK, DOGE (Department of Government Efficiency), and UNITED STATES TREASURY from using or manipulating the Treasury payment system in a way that disrupts the federal unemployment benefit system. Plaintiff further requests that the Court provide any further relief it deems just and proper.

Dated: [Today’s Date]

Signature: MYRON WARD, In Pro Per

**DECLARATION OF YOUR NAME**

II, MYRON WARD, declare as follows:

1 I am the Plaintiff in the above-captioned matter.

2 I am over the age of 18 and competent to testify.

3 I make this declaration in support of my Motion for Preliminary Injunction.

4 I rely on unemployment benefits administered by the United States Treasury.

5 The actions of DOGE, as controlled by Defendant ELON MUSK, pose a direct threat to the stability and security of the Treasury’s unemployment payment system.

6 If this motion is not granted, I will suffer irreparable harm,

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: Date Signed

Signature

Your Name, In Pro