

Opinion in Chambers

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SUPREME COURT OF THE UNITED STATES

No. 11T0068

**BLUEKILLERFOREVER *v.* NATIONAL SECURITY
COUNCIL**

ON APPLICATION FOR EMERGENCY INJUNCTION

[July 24, 2021]

JUSTICE GOLDBERG, Applications Justice.

Applicant BlueKillerForever has asked me to issue an emergency injunction prohibiting the enforcement of his National Security Threat designation by the National Security Council pending further proceedings.

The background in which his National Security Threat declaration is quite complex. I must take the four requirements for a preliminary injunction outlined in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008) into account, which I believe the applicant has very well satisfied.

The first factor in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008) requires applicants for a preliminary injunction to establish that they are likely to succeed on the merits of the case. I do believe the applicant has a likely chance to succeed on merits based on the applicant brought before me and his claims on deprivation of due process. I have not seen the respondents afford the applicant due process as required by the court as required when someone's liberty may be deprived *Mathews v. Eldridge*, 424 U.S. 319 (1976). Retaining and having the ability of em-

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ployment is clearly a basic liberty offered to citizens. Therefore, the first factor is satisfied.

The second factor in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008) requires the applicant to prove that they will suffer irreparable harm in the absence of an injunction pending disposition. While the court held in *Sampson v. Murray*, 415 U.S. 61 (1974) that loss of employment does not necessarily qualify as irreparable injury I believe the applicant has a special circumstance that does prove irreparable injury. The applicant was employed as an Assistant Director in the Defense Force Protection Agency, a position which only one person holds. If his position is filled, there is a very likely risk that the applicant will not be able to get his position back if the court overrules his national security threat declaration. The applicant has a valid argument and proves to me that his position may be filled if an emergency injunction is not issued. Therefore, the second factor is satisfied.

The third factor in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008) requires the applicant to prove balance of equities. I do not believe that there is a valid threat to the nation, or the public if an emergency injunction is issued. I do not see any valid argument proving that the applicant is a current threat to the national security of this nation and see no risk. Therefore, the third factor is satisfied.

The fourth and final factor in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008) requires to applicant to prove that the interest of the public is in their favor. The applicant argues that the administration will keep issuing national security threats declarations without proper validity and will deprive those issued of their basic rights. I agree and believe the public interest is in his favor. Therefore, the fourth and final factor is satisfied.

The application for an emergency injunction is hereby granted.

Cite as: 11 U. S. ____ (2021)

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It is so ordered.