

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LEWISFPOWELLJR,)	
)	
Plaintiff,)	CIVIL ACTION NO. 4:20-2323
v.)	
)	Hon. Coolvibez
TACUSS,)	
)	
Defendant.)	
_____)	

**MOTION FOR A PRELIMINARY INJUNCTION AND SUPPORTING
MEMORANDUM**

Plaintiff LewisFPowellJr, representing *pro se*, moves for a preliminary injunction under Fed. R. Civ. P. 65(a) as set out below and for the reasons set out in the accompanying Complaint for Injunctive and Prospective Relief under enjoining the defendant from physical and verbal contact with plaintiff completely until the end of this litigation.

ARGUMENT

Usually, the purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held. *Benisek v. Lamone*, 585 U. S. ___, ___ (2018) (*per curiam*) (slip op. at 5), *University of Tex. v. Camenisch*, 451 U. S. 390, 395 (1981). For a plaintiff to succeed on the merits of the case, they must demonstrate that he is likely “to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *United States v. Incels Union*, 10 U. S. ___, ___ (2020) (slip op. at 7), *Winter v. National Resources Defense Council, Inc.*, 555 U. S. 7, 20 (2008).

First, plaintiff is likely to succeed on the merits. The detainment by defendant was unlawful, because there are no laws prohibiting individuals from discharging firearms on aggressors of certain military bases. This means that plaintiff will succeed on the false imprisonment charge at the least, as well as the Fourth Amendment claim regarding unreasonable seizures. Second, because plaintiff died due to his detainment, defendant arbitrarily deprived plaintiff of his life and liberty. This satisfies plaintiff's Fifth Amendment claim. Third, because defendant unlawfully touched plaintiff by detaining him with an arrest tool, plaintiff is likely to succeed on his battery claim as well.

Second, plaintiff is able to demonstrate that irreparable injury is likely in the absence of an injunction. *Winter, supra*, at 22. Since the incident occurred plaintiff has experienced hostility from defendant and his agents, employees, and other subordinates, after plaintiff threatened to take action against defendant. Plaintiff also expresses the wish to continue defending the District of Columbia from attackers on the visitor spawn and the prison, and thus may face the prospect of being detained by the defendant and his subordinates again. This is not a mere possibility of relief, but a very likely irreparable injury.

Third, plaintiff reincorporates the arguments utilized in the first and second paragraphs to reinforce that the balance of equities tips in his favor. The consequences are minimal, because interaction with the plaintiff is minimal when it comes to the duties in the Federal Protection Service. In addition, the preliminary injunction only lasts until the conclusion of these proceedings, and is thus temporary. After all, the goal of a preliminary injunction is to "preserve the relative positions of the parties until a trial on the merits can be held." *Benisek*, 585 U. S., at ____ (slip op. at 5). Because the defendant and his friends have also repeatedly harassed plaintiff,

there would be no negative consequences for plaintiff, and minimal consequences for the defendant and his employers when responding to crime scenes and attacks on the prison and visitor spawn.

Fourth, the public interest will not be harmed incredibly. The issue at hand is an individual one, and one that only regards the actions of one officer of the United States. Second, it is unlikely that plaintiff will respond to certain crime scenes along with defendant, and there are inevitably more officers to deal with such situations, as we have mentioned above. The only consequence that could come out of this was mitigated. *Infra*, at 2.

CONCLUSION

Accordingly, because the plaintiff can demonstrate that he is likely to succeed on the merits, that the plaintiff will suffer irreparable harm in the absence of an injunction, that the balance of equities tips in his favor, and that the public interest will not be disserved, this court should grant plaintiff's motion for a preliminary injunction, and enjoin the defendant from physical and verbal contact with plaintiff altogether until the

Dated: October 9th, 2020

Respectfully submitted,
/s/ LewisFPowellJr
LewisFPowellJr
Plaintiff