

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT DAVIS, <i>et al.</i> ,)	
Plaintiffs,)	
)	No. 1:20-cv-915
-v-)	
)	Honorable Paul L. Maloney
JOCELYN BENSON, <i>et al.</i> ,)	
Defendants.)	
_____)	

**ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER AND
ESTABLISHING BRIEFING SCHEDULE**

Plaintiffs’ lawsuit raises a claim concerning the counting of mail-in ballots for the November 3, 2020, election. Plaintiffs filed a motion for a temporary restraining order or, alternatively, for a preliminary injunction. (ECF No. 25.)

The Court **DENIES** Plaintiffs’ request for a temporary restraining order (ECF No. 25) based on Count IV of the amended complaint. For Count IV, Plaintiffs have not established an immediate and irreparable injury that will result to the moving party before the adverse party can be heard in opposition. *See* Fed. R. Civ. P. 65(b)(1)(A). In their motion, Plaintiffs allege that, before election day, registered voters using absentee ballots need to know what procedures will be used. But, Plaintiffs have not alleged, in their motion or in their complaint, that they have received an absentee ballot and intend to use the absentee ballot to vote. Therefore, Plaintiffs have not demonstrated any possible confusion about what procedure will be used to count their ballots.

The Court will expedite briefing for Plaintiffs’ request in the alternative. The normal briefing schedule would not permit the Court to resolve the matter before the relief requested

in Count IV of the complaint and in the motion would be moot. Accordingly, the Court will expedite briefs for the motion for injunctive relief. *See* W.D. Mich. LCivR 7.1(e) and 7.2(c).

IT IS ORDERED THAT:

1. Defendants must file a response to the motion for preliminary injunction by Tuesday, October 13, 2020, at 5:00 p.m.

2. Plaintiffs may file a reply by Friday, October 16, 2020, at 10:00 a.m.

3. Defendants must serve a copy of their amended complaint (ECF No. 24), a copy of their motion for a temporary restraining order (ECF No. 25) and a copy of this Order on all of the Defendants who have not yet made an appearance in this lawsuit. Proof of service must be filed with this Court by Monday, October 5, 2020, at 12:00 p.m. (noon).

Date: October 1, 2020

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge