

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JENNIFER RAE GUNTER, et al.,

No. 3:22-cv-01675-MO

Plaintiffs,

v.

LISA GAMBEE, et al.,

OPINION AND ORDER

Defendants.

MOSMAN, J.,

On November 7, 2022, Plaintiffs filed a Motion for Preliminary Injunction seeking “an Emergency Preliminary Injunction against all election machines, scanners and tabulators used in Wasco County that are planned for use in the November 8, 2022 election.” Mot. for Prelim. Inj. [ECF 4] at 2. Given the expedited nature of the request, I view the motion as one for a Temporary Restraining Order (“TRO”). For the reasons stated below, I DENY Plaintiffs’ Motion.

LEGAL STANDARD

A party seeking a temporary restraining order must make the fourfold showing necessary for the issuance of a preliminary injunction. *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n. 7 (9th Cir. 2001). A party must show “that [it] is likely to succeed on the merits, that [it] is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [its] favor, and that an injunction is in the public interest.” *Am. Trucking Ass’ns, Inc. v. City of L.A.*, 559 F.3d 1046, 1052 (9th Cir. 2009) (quoting *Winter v. Nat. Res. Defense Council, Inc.*, 555 U.S. 7, 20 (2008)).

DISCUSSION

Plaintiffs have not met the standard for granting a TRO. Specifically, I am unconvinced that Plaintiffs have fulfilled the immediacy and irreparable harm requirement. Plaintiffs' concerns about the legitimacy of voting machines can be addressed at the standard pace of litigation without having to issue a TRO barring the use of such machines.

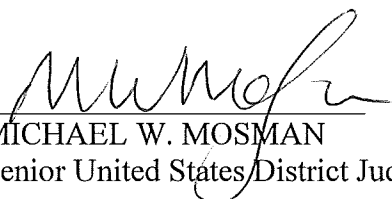
Further, it is misleading for Plaintiffs to list themselves as "Oregon Electors" in the case caption. The term "elector" should be reserved for individuals operating in a governmental capacity. Here, Plaintiffs are Oregon residents and registered voters, not government officials.

CONCLUSION

For the reasons discussed above, Plaintiffs' Motion for Preliminary Injunction [ECF 4] is DENIED.

IT IS SO ORDERED.

DATED this 9th day of November, 2022.


MICHAEL W. MOSMAN
Senior United States District Judge