

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Tasia Williams and Vincent Doyle,

Plaintiffs

vs.

City of Dallas, Texas; Chief Ulysha Reneé
Hall; John Doe Police Officers 1-50,

Defendants

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CIVIL CAUSE NO. 3:20-cv-01526-G

ORDER ON PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Upon considering Plaintiffs Tasia Williams' and Vincent Doyle's Emergency Motion for Temporary Restraining Order against Defendants City of Dallas, Texas, and Chief Renee Hall, Plaintiffs' Brief in Support of Motion for Temporary Restraining Order, the Appendix in Support of the Motion for Temporary Restraining Order, the pleadings, declarations, and evidence, and the arguments or counsel, the Court FINDS that the Motion is meritorious and should be in all things GRANTED. The Court further finds and ORDERS as follows:

1. Plaintiffs will likely suffer the following immediate and irreparable injury, loss, or damage.
2. Violations of Plaintiffs' Fourth Amendment right to be free from excessive force: The allegedly "less lethal" weapons that the Dallas Police Department uses for crowd control, such as tear gas, smoke bombs, flash-bangs, pepperballs, mace, and other chemical agents, as well as what are known as "kinetic impact projectiles," such as rubber, sponge, and foam bullets, have too great a potential for misuse and risk of severe injury, disability, and

death to be appropriate weapons for use in crowd-control settings. If Plaintiffs continue to attend ongoing protests against racial injustice and police brutality, these “less lethal” weapons are likely to violate Plaintiffs’ Fourth Amendment rights further.

3. Violations of Plaintiffs’ First Amendment rights to free speech, freedom of the press, freedom of assembly, and freedom to petition the government for a redress of grievances: The Dallas Police Department’s use of excessive force, including but not limited to the DPD’s use of tear gas, smoke bombs, flash-bangs, pepperballs, mace, and other chemical agents, as well as what are known as “kinetic impact projectiles,” such as rubber, sponge, and foam bullets, has chilled and prevented Plaintiffs from demonstrating or documenting the protests in Dallas, which will immediately and continually violate Plaintiffs’ First Amendment rights.
4. This injury is irreparable because the loss of First Amendment freedoms, for even minimal periods of time, cannot be undone through monetary remedies. Plaintiffs’ First Amendment rights to participate in protests and demonstrations have already been chilled and continue to be suppressed by the threat of excessive force by the Dallas Police Department. Both Plaintiffs have already been physically injured by excessive force of the Dallas Police Department during protests within the past two weeks. The necessity of Plaintiffs’ demonstration, and their speech, is deeply rooted in the time and context in which it is expressed within the context of other similar protests against police brutality and racial injustice across cities nationwide. If Plaintiffs choose to exercise their First Amendment rights while the Dallas Police Department is permitted to use these “less

lethal” weapons to control crowds, Plaintiffs will face further physical injury from excessive force.

For these reasons, the Court therefore ORDERS that, sufficient reason having been shown pending the hearing of Plaintiffs’ application for a preliminary injunction, Defendant the City of Dallas and Defendant Reneé Hall, and their officers, agents, servants, employees, and attorneys, and all persons acting in concert with them, are temporarily restrained and enjoined from using allegedly “less lethal” weapons such as tear gas, smoke bombs, flash-bangs, pepperballs, mace, and other chemical agents, as well as what are known as “kinetic impact projectiles” (or “KIPs”), such as rubber, sponge, and foam bullets, against any protesters, bystanders, civilians, or members press who are not posing any immediate threat of serious harm to anyone and/or for crowd control.

This Court further ORDERS that this order shall continue until a permanent preliminary injunction hearing is held or becomes moot.

The Court further ORDER pursuant to Fed. R. Civ. P. 65(c) that the bond requirement is waived.

The Court further ORDERS the clerk to issue notice to Defendants, the City of Dallas and Chief of Police Reneé Hall, that the hearing on plaintiff’s request for preliminary injunction is set for _____, 20_, at ___ a.m./p.m.

SIGNED on _____, 20_, at ___ a.m./p.m.

Honorable Judge Presiding