

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 19-cv-2565-WJM

BLANCHE MARCELENO;
SUSAN EBBS;
EDWARD CAUSSADE; and
TYLER BRUNNER,

Plaintiffs,

v.

CITY OF GREELEY, COLORADO,

Defendant.

STIPULATED PRELIMINARY INJUNCTION

This matter comes before the Court on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, filed September 9, 2019. (ECF No. 3.) The Court has been advised by counsel for Plaintiffs that he was informed by counsel for Defendant that Defendant stipulates and agrees to entry of a preliminary injunction. By so stipulating, Defendant does not concede any facts and otherwise reserves all rights, including the right to oppose entry of a permanent injunction.

Being fully advised in the premises and finding good cause, the Court now finds at this time that Plaintiffs meet the requirements for a preliminary injunction. Plaintiffs have demonstrated (1) a likelihood of success on the merits; (2) a likelihood that Plaintiffs will suffer irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in Plaintiffs' favor; and (4) that the injunction is in the public interest. Therefore, it is

ORDERED that, considering Defendant's non-opposition, Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 3.) is GRANTED with respect to the preliminary injunction portion, but DENIED AS MOOT with respect to the temporary restraining order portion. It is

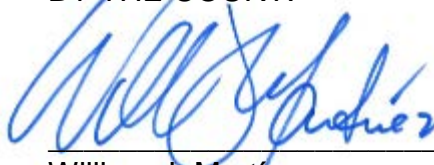
FURTHER ORDERED that the City of Greeley and its officers, agents, servants, employees, and attorneys are PRELIMINARILY ENJOINED from enforcing Greeley Municipal Code § 11.01.809, "Pedestrians not to remain on medians." It is

FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 65(c), Plaintiffs will not be required to post a bond because the Court is unable to identify any costs the City of Greeley will incur through non-enforcement of the above-cited sections of the Greeley Municipal Code.

This preliminary injunction shall remain in full force and effect until further Order of this Court, or entry of a final disposition of this matter.

Dated this 10th day of September, 2019.

BY THE COURT:



William J. Martinez
United States District Judge