

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

F I L E D
JUL - 7 2016
CLERK'S OFFICE
U.S. DISTRICT COURT
ANN ARBOR, MI

HENRY HILL, et al.,

Plaintiffs,

Case No. 10-cv-14568

vs.

Hon. John Corbett O'Meara

RICK SNYDER, et al.,

Defendants.

_____ /

TEMPORARY RESTRAINING ORDER

Based on Plaintiffs' motion and brief and supporting affidavit, it appears that there is an imminent danger that the State, acting through its prosecuting attorneys, will, within the next two weeks and possibly within days, file motions pursuant to M.C.L. § 769.25(a)(4)(b) to resentence youth who are serving mandatory life sentences for first-degree homicide convictions and are eligible for parole per this Court's orders of January 30, 2013 and August 12, 2013, to imprisonment for life without the possibility of parole.

The Court finds that Plaintiffs will be irreparably harmed by such acts insofar as they will cause substantial and unjustified delay in carrying out the Sixth Circuit's mandate to address the proper remedies to give effect to this Court's January and August 2013 orders which declared the Michigan parole statute, M.C.L. 769.234(6)(a), unconstitutional and declared that Plaintiffs and those

similarly situated are eligible for parole. Defendants' acts will also expose Plaintiffs and putative class members to punishment that, if Plaintiffs prevail in this case, may constitute cruel and unusual punishment in violation of the Eighth Amendment.

The Court also finds that Defendants have notice of this motion and that the imminent nature of the harms described above requires that this Court rule on this motion immediately.

Balancing these irreparable harms with Plaintiffs' likelihood of success on the merits, the Court's consideration of whether others will be harmed if the relief requested is not granted, and the public interest in enabling this Court to address possible remedies identified by the Sixth Circuit without interference by Defendants and their agents, the Court concludes that the requested temporary restraining order should issue.

THEREFORE, IT IS ORDERED that Plaintiffs' motion for a temporary restraining order be granted;

IT IS FURTHER ORDERED that Defendants are temporarily restrained from filing motions for resentencing to life imprisonment without the possibility of parole pursuant to M.C.L. § 769.25a(4)(b);

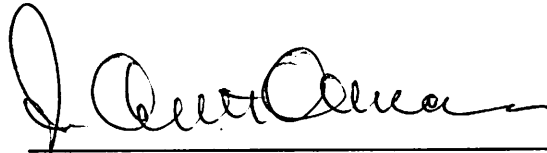
IT IS FURTHER ORDERED that this order binds the parties, the parties' officers, agents, servants, employees, and attorneys pursuant to Fed. R. Civ. P.

65(d)(2), such that Defendants must advise prosecuting attorneys of this order forthwith;

IT IS FURTHER ORDERED that no security as provided in Fed. R. Civ. P. 65(c) will be required since the matter involves constitutional issues affecting the public; and

IT IS FURTHER ORDERED that Defendants respond to Plaintiffs' motion for a preliminary injunction by July 18, 2016, and appear for a hearing on the motion on July 28, 2016, at 10³⁰ a.m./p.m.

SO ORDERED.



JOHN CORBETT O'MEARA
United States District Judge

Date:

July 7, 2016