

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CV-00504**

WILLIAM DAVID BOWDEN,)	
)	
Plaintiff,)	
)	
v.)	PLAINTIFF’S MOTION FOR
)	PRELIMINARY
TOWN OF CARY,)	INJUNCTION
)	
Defendant.)	FED. R. CIV. P. 65(a)
_____)	

NOW COMES the Plaintiff, William David Bowden (“Mr. Bowden”), pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, and moves the Court for a preliminary injunction against the Defendant Town of Cary (“Town of Cary” or “Town”). In support thereof, Mr. Bowden states as follows:

1. By separate Motion, Mr. Bowden seeks a Temporary Restraining Order enjoining Defendant from imposing unconstitutional restrictions and fines against him in violation of the First and Fourteenth Amendments to the United States Constitution and Article I, Sections 12 and 14 of the North Carolina Constitution.

2. Mr. Bowden now seeks the entry of a preliminary injunction enjoining the same actions on the part of the Town.

3. Federal Rule of Civil Procedure 65 provides for the issuance of a preliminary injunction under the circumstances such as exist in the present case.

4. In support of this motion, Mr. Bowden submits the Verified Complaint, filed contemporaneously herewith, which sets forth the facts in detail, subject to the pain of perjury. Mr. Bowden further submits a Memorandum in Support addressing all necessary elements for the entry of a preliminary injunction.

WHEREFORE, for the foregoing reasons, and for those set forth in Mr. Bowden's supporting Memorandum of Law and Verified Complaint, Mr. Bowden respectfully moves that the Court enter a preliminary injunction against the Town:

- (a) prohibiting the Town from denying Mr. Bowden the right to display his sign on his own home and compelling him to remove that sign;
- (b) prohibiting the Town from proceeding with code violation matters relating to the July 31, 2009 and November 12, 2009 Notices of Zoning Violation;
- (c) prohibiting the Town from imposing any fines based on the sign or enforcing any previously-imposed fines based on the sign.

Respectfully submitted this 19th day of November, 2009.

s/ Mark R. Sigmon
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