

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF ARKANSAS et al.;)
)
 Defendants.)
)
 _____)

CIVIL ACTION NO:
4:09-CV-00033-JLH

UNITED STATES’ MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, the United States moves the Court for a preliminary injunction based on the imminent and serious threat of harm to the life, health, safety, and liberty of the individuals residing at the Conway Human Development Center (“CHDC”). The State of Arkansas (“State”) fails to serve residents in the most integrated setting appropriate to their needs in violation of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101-12213, and exposes residents to death and injury as a result of unconstitutional medication management and restraint practices.

As more fully set forth in the attached Memorandum of Points and Authorities, there is a substantial likelihood that the United States will prevail on the merits, irreparable harm is being inflicted upon residents of CHDC, the balance of harms favors granting the injunction, and the public interest would be served by granting the injunction.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 9, 2010, I electronically filed the *United States' Motion for Preliminary Injunction* with the Clerk of the Court using the CM/ECF system, which will send notification to the following:

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