



not be diluted by ballot box stuffing schemes and other illegal election manipulation, (2) the right to free speech, (3) the right to freely practice the religion of Plaintiffs' individual choices, (4) Plaintiffs' right to peaceably assemble in protest, (5) the right to petition the government, (6) Plaintiffs' rights to defend themselves by bearing arms, (7) Plaintiffs' rights to not be deprived of life, liberty, or property without due process of law, (8) Plaintiffs' right to privacy and to not be subject to unreasonable searches and seizures, and most importantly, (9) Plaintiffs' right to the "Republican Form of Government" guaranteed in Article IV, § 4 of the Constitution.

Plaintiffs will likely suffer further imminent and irreparable injury, loss, or damage in the form of mental anguish, economic, and bodily harm due to various policies, executive orders, and planned legislation by Mr. Biden and Congress, which is likely to result in rapidly spiking oil prices and other economic harm. Spiking oil prices will lead to funding for terrorism and the foreign enemies of the United States. Plaintiffs have shown imminent risk of such injuries further compounded by refusal to enforce America's borders or restrict travel from countries known to harbor terrorist groups.

Further imminent and irreparable harm to Plaintiffs includes inherent instability of the economy due to the illegitimate, unconstitutional status of the government and corresponding catastrophic loss of savings and retirement funds with no recourse and the risk of losing any advantages inherent in being an American citizen and risk of exposure to terrorist attacks due to reversals in immigration policy

and amnesty for non-citizens who cross the borders; and other forms of imminent and irreparable injury.

These injuries are irreparable because it would be impossible to calculate an appropriate amount of monetary damages to compensate Plaintiffs for the intense amount of suffering both by mental anguish, financial harm, and bodily harm. In addition, the risk of persisting instability in the economy, decline in the value of the dollar, and sharp rise in commodity prices, particularly oil, would likely leave Plaintiffs without any funds available to compensate them for their injuries.

There is a substantial likelihood that Plaintiffs will prevail on the merits.

The threatened harm to Plaintiff outweighs the harm that this Order would inflict on Defendants.

Issuance of this ORDER is in the public interest and consistent with public policy set forth in the Constitution and the United State Code.

Plaintiffs Motion is hereby GRANTED as follows:

\_\_\_\_\_ *ex parte* without notice to the Defendants because any delay in entry of this Order caused by serving the Motion on Defendants is likely to result in further imminent and irreparable harm Plaintiffs; due to the number of defendants, it is impracticable to serve all Defendants to the extent that it would cause undue delay in entry of the Order, and the Order will not have any materially adverse effect on Defendants; and because, if Defendants are served with this lawsuit, they will likely take drastic action to pass legislation, issue Executive Orders, and take further

actions detrimental to Plaintiffs' rights and that would affect Plaintiffs' ability to recover damages.

\_\_\_\_\_ with notice after service on the members of the 117<sup>th</sup> Congress, Mr. Biden, and Ms. Harris who are in active concert with Defendants and whose authorities will be limited by this Order.

FOR THESE REASONS AND for the purpose of maintaining the *status quo ante*, prior to January 3, 2021, of a republican form of government through the checks and balances prescribe in the Constitution of the United States, the Court hereby enters the following TEMPORARY RESTRAINING ORDERS, pending a Preliminary Injunction hearing.

IT IS, THEREFORE, ORDERED THAT all members of the 117<sup>th</sup> Congress, Mr. Biden, Ms. Harris, who are in active concert with Congress, and all of their respective officers, agents, servants, employees, and attorneys, are restrained from exercising any and all executive and legislative power in a manner inconsistent with the laws, policies, and presidential executive orders that existed as of 11:59 am on January 3, 2021 (the "Status Quo Date"), as follows:

**CONGRESS**

All members of the 117<sup>th</sup> U.S. Congress (collectively, "Congress") are restrained from exercising their legislative powers in Article I, § 1 of the Constitution except as to budgetary and fiscal legislation necessary to fund the continued operation of government ("Budgetary Legislation"). Under no circumstances shall any Budgetary Legislation contain provisions that have the effect of creating new laws or policy or

changing laws or policy as they existed prior the Status Quo Date. Budgetary Legislation shall be limited to ensuring that government programs and agencies already in existence prior to noon of January 3, 2021 receive funds for continued operation. Budgetary Legislation may also make disbursements of funds to American citizens and businesses wholly owned by one or more American citizens for the purpose of providing relief to the same from the impact and effects of the COVID-19 pandemic. However, no disbursements made for relief from the COVID-19 pandemic shall exceed the amounts of disbursements made pursuant to COVID-19 relief legislation passed prior to January 3, 2021. Under no circumstances shall Congress alter any procedural rule as such rules existed prior to the Status Quo Date, including but not limited to abolishing the Senate filibuster or any other rule that has a similar effect, including the rule known as the “Byrd Rule” in the Senate.

To the extent Congress believes that there is an urgent need for legislation to be passed that is inconsistent with the forgoing paragraph, Congress must submit a motion to the court of no greater than 10 pages<sup>1</sup> describing why the legislation is necessary to the effective continuity of government. Congress must attach the proposed legislation to the brief for review. Any such legislation must not exceed 50 pages in length and must have already been passed by both the House and Senate according to their own rules and procedures. Any members of the 117<sup>th</sup> Congress who disagree that such legislation is a necessity, may collectively submit one response brief of 10 pages in length to explain their position within a reasonable time to be set

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<sup>1</sup> The font relative to page limits herein must be 12-point font. Motions and response briefs must be double-spaced.

by the Court, depending on the urgency of the legislation under the relevant circumstances. The Court will decide whether to allow the legislation to be submitted to the Executive Branch for the legislation to take effect.

### **EXECUTIVE BRANCH**

Mr. Biden, his cabinet, Ms. Harris, and the entire Executive Branch, including all officers, agents, servants, employees, and attorneys thereof (collectively, the “Executive Branch”), are restrained from enforcing any executive order that did not exist prior to the Status Quo Date and are further restrained from issuing and enforcing any new executive orders. The Executive Branch is further restrained from taking any action inconsistent with the policies of the previous presidential administration as those policies existed on the Status Quo Date. To the extent the Executive Branch believes that an action inconsistent with the policies and executive orders of the previous presidential administration is absolutely necessary for the effective continuity of government, the Executive Branch may submit a brief to the court of no more than 10 pages and must attach a copy of the executive order or proposed policy not to exceed 20 pages in length.

Former President Trump shall have the opportunity to submit one response brief not to exceed 10 pages and may attach evidentiary exhibits, to explain any position on why the policy is inconsistent with the policies of his administration and not necessary to the effective continuity of government. President Trump shall submit this response within a reasonable time to be set by the Court, depending on

the urgency of the situation. The Court will then decide whether to allow the proposed policy or executive order to take effect.

After entry of this Order, to the extent President Trump believes continued actions taken by the Executive Branch are contrary to the limits set by this Order, he may submit a motion to the court, not to exceed 10 pages, and may attach exhibits, to explain why the action being taken is contrary to this ORDER. The Executive Branch shall have an opportunity to submit a response within a time and of a length the Court determines to be reasonable under the circumstances. President Trump shall have an opportunity to file a reply to the response within a time and of a length the Court determines to be reasonable under the circumstances.

Under no circumstances shall the Executive Branch deploy any nuclear weapon of the United States or undertake any military invasion without the approval of the Court. The Executive Branch shall establish a secure emergency line to the Court for this purpose.

To the extent Congress and/or the Executive Branch decide that Senator Patrick Leahy, as the President pro tempore of the Senate, is the acting president pursuant to 3 U.S.C. § 19(b), this ORDER shall apply to him in the same manner as it does to the Executive Branch and to any other person designated to act as president pursuant to § 19.

IT IS FURTHER ORDERED THAT any private persons or officials of state or federal government or agents acting on behalf of the same who act to intimidate, harass, or threaten Plaintiffs, an expert witness, or Plaintiffs' legal counsel for the

purpose of retaliating against the same for requesting or supporting the relief granted in this motion or in this lawsuit, shall be subject to being held in contempt of this Court upon Plaintiffs' motion or the Court's own motion. Expressing an opinion regarding the relief does not constitute contempt provided the opinion does not appear to contain statements that a reasonable person would consider to be a threat to safety, life, liberty, or property.

This ORDER shall take effect at \_\_\_\_\_ a.m/p.m., on \_\_\_\_\_, 2021 and shall expire at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, 2021 unless the ORDER is extended for like period pursuant to Fed. R. Civ. P. 65(b)(2).

The clerk shall take all reasonable and necessary steps in cooperation with Plaintiffs to issue notice of this ORDER to all parties affected.

The clerk shall issue notice to all members of the 117<sup>th</sup> Congress, Joseph P. Biden and Kamala Harris that the hearing on Plaintiffs' application for preliminary injunction is set for \_\_\_\_\_, 2021, at \_\_\_\_\_ a.m./p.m. Such hearing shall take place unless this ORDER is extended pursuant to Fed. R. Civ. P. 65(b)(2) in which case, the hearing shall be reset.

Plaintiff to post bond in the amount of \$\_\_\_\_\_.

IT IS SO ORDERED.

FORM OF ORDER SUBMITTED BY:

/s/ Paul M. Davis  
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