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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

Utah Coalition of La Raza, *et al.*,

Plaintiffs,

v.

Gary R. Herbert, *et al.*,

Defendants.

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Case No. 2:11-cv-00401-BCW

Judge: Brooke C. Wells

This matter comes before the Court on the Plaintiffs' Motion for a Preliminary Injunction to enjoin Defendants from enforcing Utah House Bill ("HB") 497. Having considered the parties' papers filed in support and in opposition to the motion, as well as oral arguments, the Court rules as follows:

Plaintiffs are likely to succeed on the merits of their claim that HB 497 violates the United States and Utah Constitutions, including the Supremacy Clause, the Fourth Amendment, and the Right to Travel. Plaintiffs have demonstrated that they will suffer irreparable injury by being subjected to the enforcement of an unconstitutionally preempted state law as well as the unconstitutional deprivation of their right to freedom from unreasonable searches and seizures and the constitutional right to travel. Defendants, on the other hand, will suffer no real harm from delay in enforcement of HB 497 pending final resolution of this action. Plaintiffs have demonstrated that the balance of hardships tips strongly in their favor, and that a preliminary injunction advances the public interest in preventing the enforcement of unconstitutional laws.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiffs' Motion for a Preliminary Injunction is GRANTED.
2. Until such time as the Court makes a final ruling on the merits, or until further ordered from the Court, the Defendants and their officers, agents, servants, employees, and attorneys and those persons in active concert or participation with them are HEREBY ENJOINED AND RESTRAINED from giving any effect to or otherwise taking action to enforce HB 497.

This order shall become effective immediately, and shall continue in effect until this Court enters a final judgment in this action or otherwise lifts the preliminary injunction.

Dated: May ____, 2011

Hon. Brooke C. Wells
United States Magistrate Judge