

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA**

ORCUN SELCUK; ALAN DAVID
GWILLIAM; TINGTING ZHEN; MICHAEL
BROKLOFF; and THE LEAGUE OF
UNITED LATIN AMERICAN CITIZENS OF
IOWA, on behalf of itself and its members,

Plaintiffs,

v.

PAUL D. PATE, in his official capacity as the
Iowa Secretary of State; BENJAMIN D.
STEINES, in his official capacity as the
Winneshiek County Auditor and Winneshiek
County Commissioner of Elections; JAMIE
FITZGERALD, in his official capacity as the
Polk County Auditor and Polk County
Commissioner of Elections; MELVYN
HOUSER, in his official capacity as the
Pottawattamie County Auditor and
Pottawattamie County Commissioner of
Elections; ERIN SHANE, in her official
capacity as the acting Johnson County Auditor
and acting Johnson County Commissioner of
Elections; and KERRI TOMPKINS, in her
official capacity as the Scott County Auditor
and Scott County Commissioner of Elections,

Defendants.

Case No. 4:24-cv-390

EXPEDITED RELIEF REQUESTED

ORAL ARGUMENT REQUESTED

**MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

PURSUANT TO Fed. R. Civ. P. 65 and LR 65, Plaintiffs Orcun Selcuk, Alan David Gwilliam, Tingting Zhen, Michael Brokloff, and The League of United Latin American Citizens of Iowa (collectively, "Plaintiffs") hereby move this Court to enter a temporary restraining order and preliminary injunction enjoining and ordering Defendants Paul Pate ("Secretary"), Benjamin

Steines, Jamie Fitzgerald, Melvyn Houser, Erin Shane, and Kerri Thompkins, sued in their official capacities (collectively “Defendants”) as follows:

1. Declare that the Voter Purge Program violates federal law and the United States Constitution;

2. Order Defendants to rescind the Secretary’s list of Affected Voters and all directives to treat voters differently based on their inclusion on the list;

3. Order the Secretary to immediately notify all county election commissioners that the eligibility of voters cannot be challenged based on the Secretary’s list of Affected Voters;

4. Order Defendants Steines, Fitzgerald, Houser, Shane, and Tompkins to retract the notice letters already sent on the basis of the list of Affected Voters;

5. Order Defendants to restore the status of any persons who were removed from Iowa’s voting rolls, including by being placed in inactive status, as a result of the Secretary’s investigation and preparation of the list;

6. Order all Defendants to take all such steps as are necessary to alert all individuals on the list of Affected Voters and the public that any notice letters sent pursuant to an Affected Voter’s status are rescinded, that all eligible voters (including Affected Voters) may vote in the November 2024 General Election, and that all eligible voters on the list of Affected Voters are on the voter rolls and need not re-register to vote;

Pursuant to Fed. R. Civ. P. 65 and LR 65, a separate memorandum will be filed setting forth the specific facts which entitled Plaintiffs to a temporary restraining order and preliminary injunctive relief is being filed contemporaneously herewith.

Plaintiffs further request that the Court use its authority and discretion to waive any bond or security requirement under Fed. R. Civ. P. 65(c) given the significant public interest in this

matter. *See Richland/Wilkin Joint Powers Auth. V. U.S. Army Corps of Eng'rs*, 826 F.3d 1030, 1043 (8th Cir. 2016).

Pursuant to LR 7(c) and (i), an expedited hearing on this motion and accompanying relief are requested at the Court's earliest convenience. Such expedited relief is necessary in this case given that the general election is just days away.

Dated: October 31, 2024

/s/ Jesse Linebaugh

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*Pro Hac Vice Application Forthcoming

**Application for Admission Forthcoming

Attorneys for Plaintiffs Orcun Selcuk, Alan David
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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing document was filed electronically through the Court's CM/ECF filing system on October 31, 2024, which will send notice to all counsel of record.

/s/ Jesse Linebaugh _____