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10  
11 UNITED STATES DISTRICT COURT  
12 SOUTHERN DISTRICT OF CALIFORNIA

13 DON HIGGINSON,  
14 Plaintiff,  
15 v.  
16 XAVIER BECERRA, in his official  
17 capacity as ATTORNEY GENERAL OF  
18 CALIFORNIA; and CITY OF POWAY,  
19 CALIFORNIA,  
20 Defendants.

Case No.: 3:17-cv-2032-WQH-JLB

**PLAINTIFF’S NOTICE OF MOTION  
AND MOTION FOR PRELIMINARY  
INJUNCTION**

Judge: Hon. William Q. Hayes  
Date: November 20, 2017

**No Oral Argument Unless Requested  
by the Court.**

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:  
2 Notice is hereby given that on November 20, 2017, in Courtroom 14B of the above-  
3 captioned court, located at 333 West Broadway, Suite 1480, San Diego, CA 92101,  
4 Plaintiff will move for a preliminary injunction under rule 65(a) of the Federal Rules of  
5 Civil Procedure. Specifically, Plaintiff will seek an order temporarily enjoining Defendant  
6 Attorney General Xavier Becerra and his agents from enforcing the California Voting  
7 Rights Act and Defendant City of Poway from using Map 133 for elections during the  
8 pendency of this action.

9 This motion is based on this notice of motion and motion, the memorandum of points  
10 and authorities filed in support, the supporting declarations of Bryan Weir and Plaintiff  
11 Don Higginson, and any exhibits attached thereto. This motion is also based on the  
12 pleadings and records already on file, and on any further matters the Court deems  
13 appropriate.

14  
15 Dated: October 19, 2017

Respectfully submitted,

/s/ Bryan K. Weir

Bryan K. Weir, CA Bar # 310964

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**CERTIFICATE OF SERVICE**

I hereby certify that today I served this pleading on defendants' counsel listed below via email, as consented to by the parties under Federal Rule of Civil Procedure 5 and Local Civil Rule 5.2. *See* Fed. R. Civ. P. 5(b)(2)(D)-(E).

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*Counsel for Defendant City of Poway*

*Counsel for Defendant Attorney General of California Xavier Becerra*

Dated: October 19, 2017

/s/ Bryan K. Weir  
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