

2. The United States has failed to demonstrate that it meets any of the four factors necessary to obtain preliminary injunctive relief. See Canal Authority of the State of Florida v. Callaway, 489 F.2d 567 (5th Cir.1974).
3. The Defendants would show that the Plaintiff has offered no evidence or argument with regard to its motion in effort to establish its likelihood of success on the merits of this case.
4. Additionally, Plaintiff has failed to demonstrate immediate irreparable harm. If the Plaintiff is apprehensive about actions taken by Noxubee County Deputy Sheriff Terry Grasserree, it has the option of filing an action to enjoin Mr. Grasserree personally from committing such acts. However, to enjoin Defendants based solely on the actions of one who is not a party to the case and of whom they have no control would essentially impose the duty of “witness protection” on Defendants. Thus, the balance of harm tips against the issuance of a preliminary injunction.
5. Finally, the public interest would not be served by charging Defendants with the task of ensuring that there are no altercations between Plaintiff’s one hundred and ten witnesses and any persons in Noxubee County or the surrounding areas that may have associated with Defendants in the past.

Defendants therefore respectfully requests that this motion be set for hearing by the court and that, on said hearing, this Motion to Dismiss Plaintiff’s Motion for an Injunction, *Pendente Lite* be in all things sustained.

Respectfully submitted,

IKE BROWN,
NOXUBEE COUNTY DEMOCRATIC
EXECUTIVE COMMITTEE,
Defendants

BY: /s/ Wilbur O.Colom
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CERTIFICATE OF SERVICE

I hereby certify that I electronically file the forgoing Notice of Extension of Time using the ECF system which sent notification of such filing to **Ellis Turnage, Esq.**, Post Office Box 216, 108 North Pearman Avenue, Cleveland, Mississippi, 38732, and, **Christopher D. Hemphill, Esq.**, Dunn, Webb and Hemphill, P.A., 214 5th Street South, Columbus, Mississippi, 39701, **Christopher Coates**, United States Department of Justice, 950 Pennsylvania Ave. NW, Room 7255-NWB, Washington, D.C. 20530.

This the _____ day of October, 2005.

/s/ Wilbur O. Colom
WILBUR O. COLOM
