IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

YELLOWHAMMER FUND, on behalf of itself and its clients, Plaintiff, v. A ORNEY ! ENERAL OF ALA"AMA # E$E MAR#HALL, in his official ca%acit&, Defendant.	(A#E NO.)*)+,cv,-- . / -,MH
WE# ALA"AMA WOMEN0# (EN ER, on behalf of the 1 selves and thei2 staff3 et al., Plaintiffs, v. # E$E MAR#HALL, in his official ca%acit& as Alaba 1 a Atto2ne& ! ene2al, Defendant.	

YELLOWHAMMER FUND'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS

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INTRODUCTION

As a constit7tional 1atte2, Alaba1a0s Abo2tion "an cannot a%%l& to abo2tions that occ72 o7tside of Alaba1a. 4t is 6ell settled that the #tate lacEs constit7tional a7tho2it& to %2event %2e8nant Alaba1a 2esidents f2o1 t2avelin8 o7tside its bo2de2s to obtain la6f7l abo2tion ca2e in othe2 :72isdictions.[5] Neve2theless, Defendant #teve Ma2shall clai1s that Alaba1a 1a& i1%ose c2i1inal liabilit& on its 2esidents fo2 Gcons%i2in8H to hel% %eo%le leave the state to en8a8e in cond7ct that the #tate cannot validl& %2ohibit. his is %lainl& inco22ect. Plaintiff Yello6ha1 1e2 F7nd is entitled to 2elief f2o1 Defendant0s th2eats to %2osec7te its a8ents and othe2 abo2tion hea e

1o2e than si1%l& %2ovide aid3 the& send a 1essa8e. Doc. 5 at I). o those 6ho a2e %e2sec7ted, the& send a 1essa8e of solida2it&. Id. o the o%%2esso2s, hel%e2s send a 1essa8e of %2otest and defiance. Id.

GA clai1 fo2 2elief is faciall& %la7sible 6hen it contains Mfact7al content that allo6s

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Plaintiff has alle8ed s7fficient facts to establish standin8. See. e.,., Doc. 5 at II 9/N 9<. GJAKn o28ani?ation has standin8 to s7e on its o6n behalf if the defendant0s ille8al acts i1%ai2 its abilit& to en8a8e in its %2o:ects b& fo2cin8 the o28ani?ation to dive2t 2eso72ces to co7nte2act those ille8al acts.H *4*la. State Conf. of ".A.A.C.*2*. v. *(*ro#nin,, /)) F.+d 55/+, 559/ A55th (i2.)--@'. Alle8ations that Plaintiff has s7ffe2ed in:72& to its 1ission o2 dive2ted 2eso72ces to co1bat the challen8ed cond7ct a2e s7fficient to sho6 o28ani?ational in:. 6 1 6 744(.)B3 1 0 TdR[( )-178.166(534(l)-4.5

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ARobe2ts, (.B., conc722in8'. o establish thi2d,%a2t& standin8, a %laintiff 17st sho6 that A5' it has s7ffe2ed an in:72&,in,fact itself3 A)' it has a s7fficientl& close 2elationshi% 6ith the thi2d %a2t&3 and A+' the thi2d %a2t& faces a hind2ance to asse2tin8 its o6n 2i8hts. Ko#alski v. /es*er, /.+ U.#. 5)/, 5)<N+- A)--.'. As e=%lained above, Plaintiff has established an in:72&,in,fact. See s7%2a at ;N<.

Plaintiff 1eets the 6ell,established thi2d,%a2t& st

0% P!a "t && Has a Su&& , e"t!- C!ose Re!at o"sh 1 ' th the Peo1!e It Ser#es%

Plaintiff has a close 2elationshi% 6ith the %eo%le it se2ves.[/] 4t is diffic7lt to i1a8ine a sit7ation in 6hich the inte2ests bet6een the liti8ant and the thi2d %a2t& co7ld be 1o2e ali8ned. Plaintiff seeEs to advance its 1ission 7sin8 s%eech and b& %2ovidin8 2eso72ces to the %otential and c722ent clients 6ho seeE its se2vices. Fede2al co72ts have not li1ited the close 2elationshi% 2eL7i2ed fo2 thi2d,%a2t& standin8 to 2elationshi%s liEe G%a2ents and child2en, 87a2dians and 6a2ds,H cont2a2& to Defendant0s asse2tions. See Doc.)@ at 5+. 4nstead, co72ts have fo7nd the 2eL7i2e1ent satisfied b& a 6ide va2iet& of 2elationshi%s 6he2e the %laintiff 6o7ld se2ve as an effective advocate fo2 the thi2d %a2t&0s 2i8hts. See. e.,., *2*o*#*ers v. *7*hio, .<< U.#. .--, .5/N59 A5<<5' Aholdin8 that c2i1inal defendant had thi2d,%a2t& standin8 to asse2t the 2i8hts of %otential :72o2s e=cl7ded f2o1 :72& se2vice'3 Care v. *2*o&-lation Servs.. Int+l, .+5 U.#. 9;@, 9@+ A5<;;' Aholdin8 that co1%an& sellin8 non,1edical cont2ace%tives had thi2d,%a2t& standin8 to asse2t the 2i8hts of %otential c7sto1e2s, incl7din8 1ino2s'3 Crai, v. *(*oren, .)< U.#. 5<-, 5<. A5<;9' Aholdin8 that bee2 vendo2 had thi2d,%a2t& standin8 to asse2t the 2i8hts of %otential c7sto1e2s'3 *(*arro*#*s v. *)*ackson, +.9 U.#.).<,)/@ A5</+' Aholdin8 that 6hite %2o%e2t& o6ne2s had thi2d,%a2t& standin8 to asse2t the 2i8hts of %otential "lacE %72chase2s'3 *$*o-n,

[/] Yello6ha1 1e2 F7nd is not asse2tin8 thi2d,%a2t& standin8 on behalf of its staff.

Alaba1a 2esidents have so78ht Plaintiff0s assistance, and

f7ndin8 abo2tion ca2e and t2avel, and the2efo2e has a close 2elationshi% 6ith the %eo%le it se2ves.;

the 2esidents of B7%ite2 and 1a& Jhave beenK 2el7ctant to 2aise s7ch clai1s fo2 fea2 of %2ovoEin8 additional %olicin8 1eas72es.H Id. Additionall&, the co72t held that it 6as 2easonable to %2es71e that Gso1e of the i11i82ants livin8 in B7%ite2 1a& fea2 d2a6in8 attention to the i11i82ation stat7s of the1

es%eciall& 6hile livin8 in a %lace 6he2e it is banned, 1a& not 6ant to d2a6 attention to thei2 desi2e to obtain a la6f7l abo2tion else6he2e.@

P2e8nant Alaba1ians face additional hind2ances to filin8 s7it beca7se the& 1a& be chilled f2o1 asse2tin8 thei2 o6n 2i8ht to t2avel b& the %7blicit& of a co72t s7it, and so 1eone seeEin8 to t2avel also faces the i1 1inent 1ootness of thei2 clai1. See Sin,leton v. W-lff, .)@ U.#. 5-9, 55; A5<;9' AGOnl& a fe6 1onths, at the 1ost, afte2 the 1at72in8 of the decision . . . he2 2i8ht the2eto 6ill have been i22evocabl& lostH'. 4t is t27e that %2e8nanc& co7ld co7nt as a ca%able,of,2e%etition,&et,evadin8, 2evie6 e=ce%tion to the 1ootness doct2ine. See Doc.)@ at 5.. "7t that is not the onl& conside2ation. #o1eone 6ho cannot find the 2eso72ces to t2avel to obtain a la6f7l abo2tion is 7nliEel& to be able to find the 2eso72ces, ti1e, and ca%acit& to challen8e these th2eats in co72t. See *2o#ers* v. *7*hio, .<< U.#. at .5/ AGJ Khe2e e=ist conside2able %2actical ba22ie2s to s7it . . . beca7se of the s1all financial staEe involved and the econo1ic b72dens of liti8ation.H'. G he 2ealit& isH a %2e8nant %e2son 6ho needs to t2avel b7t cannot do so 6itho7t assistance 6ill be left 6ith Glittle

@ Defendant s788ests that the %eo%le Plaintiff se2ves co7ld %2oceed 7nde2 %se7don&1s. "7t the co72t in *$*o-n, A&art*ents. Inc. did not 2eL7i2e the i1 1i82ant 2esidents to %2oceed 7nde2 %se7don&1s and dete21ined that the asse2ted hind2ances 6e2e eno78h to establish thi2d,%a2t& standin8. *$*o-n, A&art*ents. Inc., /)< F.+d at 5-.). he sa1e is t27e he2e, and the %eo%le Plaintiff se2ves sho7ld not be 2eL7i2ed to %2oceed 7nde2 %se7don&1s.

incentive to set in 1otion the a2d7o7s %2ocess needed to vindicate Jthei2K o6n 2i8hts.H< Id.

"ased on the fo2e8oin8, Plaintiff has s7fficientl& %led the facts necessa2& to establish thi2d,%a2t& standin8 fo2 %72%oses of this 1otion to dis1iss.

II% Th s La ' su t Does Not O&&e") the E!e#e"th A (e") (e"t%

(ont2a2& to Defendant0s asse2tions, Plaintiff is not asEin8 the (o72t to Go2de2JK JDefendantK to confo21 JhisK cond7ct to state la6.H 2ennh-rst State Sch. & Hos&. v. Halder*an, .9/ U.#. @<, <; A5<@.'. 4nstead, it is asEin8 fo2 decla2ato2& and in:7nctive 2elief to sto% Defendant f2o1 violatin8 the United #tates (onstit7tion. See Doc. 5 at II ;-N5-9. And nothin8 abo7t Plaintiff0s De o-1.2065(o)3.3272(A)-5.8812(s)-4

state la6. Defendant0s 8ene2ali?ed insin7ation that Plaintiff0s clai1s act7all& seeE ad:7dication of state la6 iss7es is 7nfo7nded.

Unde2 Defendant0s theo2&, no %laintiff co7ld eve2 challen8e the constit7tionalit& of an atto2ne& 8ene2al0s enfo2ce1ent decisions, and that is cont2a2& to settled la6. See e.,.. S*ith v. *1*eese, @)5 F.)d 5.@., 5.<) n.. A55th (i2. 5<@;' AGJ Khe e=e2cise of %2osec7to2ial disc2etion, liEe the e=e2cise of E=ec7tive disc2etion 8ene2all&, is s7b:ect to stat7to2& and constit7tional li1its enfo2ceable th2o78h

State,) ; #o.)d +9, +@ AAla. 5<. 9', a defendant cha28ed 6ith cons%i2ac& 7nde2 eithe2 la6 1 7st have the abilit& to challen8e 6hethe2 that 7nde2l&in8 act is in fact c2i 1 inal. #ince Alaba 1 a0s Abo2tion "an cannot be a%%lied to 1 aEe abo2tion ille8al in states 6he2e it is %e2 1 itted, Defendant0s asse2tion that abo2tion f7nds violate Alaba 1 a0s (ons%i2ac& La6s 6hen the& a82ee to hel% %2e8nant %eo%le leave the state and obtain

te=t 1aEe clea2 that this ban onl& %2ohibits abo2tions that taEe %lace 6ithin Alaba1a.

he stat7te %2ovides that it is the 2es%onsibilit&

violate an 7nde2l&in8 c2i 1 inal stat7te.[5)] See

abo2tions. 4n /ho*&son,[5+] the (o72t held that Alaba1a co7ld %2osec7te as a cons%i2ac& an a82ee1ent fo21ed in Alaba1a to en8a8e in a GEno6n co11on,la6

a la6 f7l, o7t,of,state abo2tion, see

).

to s7%%o2t a la#f-l abo2tion in anothe2 state is not 87ilt& of an& c2i 1 e 7nless Alaba 1 a 7nconstit7tionall& %72%o2ts to a%%l& its Abo2tion "an o7tside its bo2de2s. Me2el& a82eein8 to s7%%o2t an activit& that is le8al violates no la6. See. e.,., Shar&e, ;5-#o.)d at 5+;..

F72the2, Defendant0s hast& dis1issal of (i,elo# v. 0ir,inia, .)5 U.#. @-<A5<;/',

doin8 so 6o7ld 2eL7i2e the 7nconstit7tional a%%lication of state la6 AAlaba1a0s Abo2tion "an' to enti2el& la6f7l, o7t,of,state cond7ct.

);

As e=%lained above, s-&ra at))N)+, /ho*&son does not s7%%o2t Defendant0s %osition and is not the %anacea Defendant believes

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+5

6ithin the (onstit7tion, even as it held that (alifo2nia can 2eL7i2e o7t,of,state %o2E %2od7ce2s 6ho sell %o2E in the state to co1%l& 6ith

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offend the Fi2st A 1 end 1 ent to %2osec7te so 1 eone 6 ho offe2s to %2ovide o2 2eL7ests to obtain child %o2no82a%h&. //+ U.#.)@/,)<;N<@ A)--@'. he (o72t e=%lained that s7ch s%eech 6 as 7n%2otected beca7se it 6 as Gintended to ind7ce o2 co 1 1 ence ille8al activities.H Id. at)<@. 4n Willia*s, the defendant0s s%eech indis%7tabl& violated a fede2al stat7te that cate8o2icall& %2ohibited ce2tain s%eech 2elated to child %o2no82a%h&. Id. at)<;. UnliEe abo2tion, child %o2no82a%h& is %2ohibited ac2oss the co7nt2&, and the2e is no dis%7te abo7t its le8alit& o2 1 o2alit&.

#i 1 ila2l&, in ***3***nited States v. ***4***le-r , the Eleventh (i2c7it 7%held the conviction of a defendant 6 ho sent 1 essa8es th2eatenin8 to Eidna% and Eill the 2eci%ients and thei2 loved ones.)- F.. th 5+/+, 5+9.N9/ A55th (i2.)-)5'. B7st as in Willia*s, the2e 6 as no dis%7te that the defendath thths7iet/889 1 7 1 27 1 ( )- 1 52. hof7iolattih

4.59004(v)3.32728(i)3.97329(t)-4.59004(i)-4.59004(e)7.27026(s)-4.91304(.)10.22644( )250]TJR/R31 1

in Ne6 Yo2E, to 2est2ict an adve2tise20s activit& in Ne6 Yo2E, o2 to %2event its 2esidents f2o1 t2avelin8 to Ne6 Yo2E to obtain an abo2tion'. Alaba1a cannot %2ohibit its 2esidents f2o1 t2avelin8 o7t of state fo2 an abo2tion, see Doc.)@ at +-, so it also cannot constit7tionall& %2ohibit the s%eech of hel%e2s 6ho s7%%o2t its 2esidents in e=e2cisin8 that 2i8ht.

B% P!a "t && Is E"*a*e) " Prote,te) S1ee,h, E31ress #e Co")u,t, a") Asso, at o"%

Defendant 1aEes seve2al additional Fi2st A1end1ent a287 1ents in s7%%o2t of his 1otion O each of 6hich can be easil& dis1issed.

Fi2st, Defendant does not O and cannot O dis%7te that Plaintiff is en8a8ed in %72e s%eech 6hen it %2ovides info2 1ation to %2e8nant Alaba1ians abo7t la6 f7l, o7t, of,state abo2tion ca2e, incl7din8 2efe22als, 87idance, and 1o2al s7%%o2t. See 303 Creative LLC v. Elenis, 5.+ #. (t.))<@,)+5) A)-)+' Ae=%lainin8 that all t&%es of Go2al 7tte2ance and the %2inted 6o2dH constit7te s%eech 7nde2 the Fi2st A1end1ent'. Ho6eve2, Defendant a287es that Plaintiff0s financial and %2actical s7%%o2t fo2 %eo%le seeEin8 abo2tions is 7n%2otected b& the Fi2st A1end1ent. hat a287 1ent is 1e2itless.

e=%2essl& concedes that he cannot %2osec7te %2e8nant %eo%le fo2 t2avelin8 to access that ca2e, see id. at +-. h7s, 7nliEe the s%eech in *4*le-r ,)- F..th at 5+9.N9/, and *0*ir,inia v. *(*lack, /+@ U.#. +.+ A)--+', anothe2 case 2elied 7%on b& Defendant involvin8 c2oss,b72nin8, Plaintiff0s s%eech s7%%o2ts an activit& that is la6f7l 6he2e it occ72s.

(ontent,based la6s Gta28et s%eech based on its co1 17nicative content,H 6hile vie6%oint,based la6s %2ohibit s%eech based on the G%a2tic7la2 vie6s taEen b& s%eaEe2s on a s7b:ect.H S&eech *4*irst. Inc. v. Cart#ri,ht, +) F..th 555-, 55)/N)9 A55th (i2.)-))'. Defendant0s th2eats s%ecificall& ta28et abo2tion hel%e2s that

Coakle , /;+ U.#. .9., .;< A)-5.''. F72the2, Defendant0s th2eats a2e vie6%oint, based beca7se the& silence s%eaEe2s onl 6hen the& s%eaE in s7%%o2t of la6f7l, o7t, of,state abo2tion. See *2*lanned *2*arenthood *!* reater "*.W. v. Labrador, No.)+,cv, --5.)-,"LW,)-)+ WL .@9.<9), at R)) AD. 4daho B7l& +5,)-)+' Aholdin8 that th2eats to %2osec7te healthca2e %2ovide2s fo2 2efe22in8 %eo%le fo2 o7t,of,state abo2tion ca2e 6e2e content, and vie6%oint,based 2est2ictions beca7se the& silence healthca2e %2ovide2s Gon a sin8le to%ic O abo2tionH'.

4n his 1otion to dis1iss, Defendant does not se2io7sl& en8a8e 6ith Plaintiff0s clai1 that its 2i8ht to association is violated. Plaintiff alle8es that Defendant0s th2eats of %2osec7tion chill its association 6ith abo2tion advocac& o28ani?ations, f7nds, and %2e8nant %eo%le. See*.* e.*,*., Doc. 5 at II /5, ;<N@9. he G2i8ht to associate 6ith othe2s in %72s7it of a 6ide va2iet& of %olitical, social, econo1ic, ed7cational, 2eli8io7s, and c7lt72al endsH is Gi1%licitH in othe2 Fi2st A1end1ent 2i8hts. ***5***oberts v. ***3***.S. ***)***a cees, .9@ U.#. 9-<, 9)) A5<@.'. B7st as a state can onl& %2osc2ibe s%eech if it has ille8al ai1s, see s-&ra at ++N+., it also can onl& li1it association if the association has ille8al ai1s. See ***(***ro***#***n v. Hartla*,*e, ./9 U.#. ./, // A5<@)' AGAltho78h a82ee1ents to en8a8e in ille8al cond7ct 7ndo7btedl& %ossess so1e ele1ent of association, the #tate 1a& ban s7ch ille8al a82ee1ents 6itho7t t2enchin8 on an& 2i8ht of association %2otected b& the Fi2st A1end1ent.H'3 see also ***3***nited States v. S&ock, .59 F.)d 59/, 5;- A5st (i2. 5<9<' AGJ Khe Fi2st A1end1ent 2i8hts of f2ee s%eech and f2ee

C% De&e")a"t's Threats Ca""ot Sur# #e Str ,t S,rut "-%

hese alle8ations a2e non,concl7so2&, s%ecific, and 82o7nded in facts O 1o2e than s7fficient to defeat a 1otion to dis1iss. See Ashcroft v. Iqbal, //9 U.#. 99), 9;@ A)--<'3 (ell Atl. Cor&. v. /#o*bl , //- U.#. /. ., /;- A)--;'3 see also Carollo v. (oria, @++ F.+d 5+)), 5+)@ A55th (i2.)-59'. Additionall&, the& a2e 1o2e than s7fficient to state a clai1 fo2 ove2b2eadth 7nde2 the standa2d a2tic7lated b& the U.#. #7%2e1e (o72t, 6hich 2eL7i2es a sho6in8 Gf2o1 the te=t . . . and f2o1 act7al fact that a s7bstantial n71be2 of instances e=ist in 6hich the Jstat7teK cannot be a%%lied constit7tionall&.H "e# $ork State Cl-b Ass+n. Inc. v. Cit of "e# $ork, .@; U.#. 5, 5. A5<@@'3 see also (d. of Air&ort Co**+rs of Cit of Los An,eles v.)e#s for)es-s. Inc., .@) U.#. /9<, /;. A5<@;' Ast2iEin8 do6n a la6 that banned all GFi2st A1end1ent activitiesH beca7se it left Gno 2oo1 fo2 a na22o6in8 const27ctionH'. 4f const27ed cont2a2& to /ho*&son and in acco2dance 6ith Defendant0s th2eats,

VI%

co 1 1 7nit&, 1 7st have the 2i8ht to %ass and 2e%ass th2o78h eve2& %a2t of it 6itho7t inte227%tion S H'. #tates inf2in8e the 2i8ht to t2ave

A% De&e")a"t's Ar*u(e"t that P!a "t &&, as a" Or*a" 7at o", Does Not E".o-the R*ht to Tra#e! Is l"a11os te%

he U.#. #7%2e1e (o72t has 2e:ected the 2easonin8 Defendant e1%lo&s in his citation to 4irst "ational (ank of (oston v. (ellotti, .+/ U.#. ;9/, ;;@ n.5. A5<;@' A%l72alit& o%inion', fo2 the %2o%osition that the 2i8ht to t2avel is a G%72el& %e2sonal constit7tional 87a2anteeH that does not e=tend to Plaintiff. Doc.)@ at +). Add2essin8 the lo6e2 co72t0s Fi2st A1end1ent anal&sis, the (o72t held that GJtKhe %2o%e2 L7estion is not 6hethe2 co2%o2ations Mhave0 Fi2st A1end1ent 2i8hts and, if so, 6hethe2 the& a2e coe=tensive 6ith those of nat72al %e2sons. 4nstead, the L7estion 17st be 6hethe2 Jthe challen8ed stat7teK ab2id8es e=%2ession that the Fi2st A1end1ent 6as 1eant to %2otect.H (ellotti, .+/ U.#. at ;;9. 4n holdin8 the stat7te 7nconstit7tional, the (o72t 2easoned that GJtKhe (onstit7tion often %2otects inte2ests b2oade2 than those of the %a2t& seeEin8 vindication,H and that GJtKhe s%eech %2o%osed b& J%laintiffsK is at the hea2t of the Fi2st A1end1ent0s %2otection.H Id. G4f the s%eaEe2s he2e 6e2e not co2%o2ations, no one 6o7ld s

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to %2ovide t2avel assistance to the indi8ent b& c2i

o2 othe2 vehicle fo2 hi2e. Crandall, ;+ U.#. at +/N+<.)) Nevada a287ed this ta= 6as Gnot a ta= 7%on the %assen8e2, b7t 7%on the b7siness of the ca22ie2 6ho t2ans%o2ts

of %a2ole. Even if Plaintiff0s a8ents a2e not 7lti1atel& convicted, the conseL7ences of the cha28e and the %2ocess to co1bat it a2e ove26hel1in83 as a 2es7lt, Plaintiff cannot inst27ct its a8ents to taEe that 2isE. Defendant0s th2eats have fo2ced Plaintiff to fo2e8o its desi2ed t2avel and to sto% facilitatin8 t2avel fo2 those it se2vesO%eo%le

55+; A<th (i2.)--9' At2avele2 2ef7sed to sho6 identification o2 s7b1it to a sea2ch, so 6as not allo6ed to fl& to Washin8ton, D.(.'.

He2e, beca7se of Defendant0s th2eats, Plaintiff is %2ohibited f2o1 t2avelin8 fo2

Even if the (o72t finds Alaba1a can 2e87late hel%in8 %eo%le access la6f7l, o7t,of,state abo2tion ca2e, the th2eatened a%%lication of Alaba1a (ode D5+A,.,. is not %e21issible beca7se Defendant0s th2eats a2e bein8 asse2ted 6ith the %2edo1inant %72%ose of i1%edin8 t2avel o2 %7nishin8 those 6ho en8a8e in that t2avel.

C% De&e")a"t M sstates the Sta")ar) the Court Shou!) A11!- Here%

Defendant a287es a G2est2iction Jon the 2i8ht to t2avelK that is 2ationall& 2elated to the offense itself is 6ithin the #tate0s %o6e2.H Doc.)@ at +9 Acitin8)ones v. Hel*s, ./) U.#. .5) A5<@5''. "& doin8 so, it a%%ea2s Defendant s788ests that 2est2ictions on the 2i8ht to t2avel a2e s7b:ected to onl& 2ational basis 2evie6 and that this (o72t sho7ld find the cons%i2ac& stat7te 2easonabl& 2elated to the Abo2tion "an. hat 1ost ce2tainl& is not a test 2eco8ni?ed b& co72ts fo2 violations of the 2i8ht to t2avel.)ones c2eated a 17ch 1o2e li1ited e=ce%tion to the 2i8ht to t2avel. 4t is a%%licable onl& 6hen the G2est2iction . . . is 2ationall& 2elated to the offense itself Oeithe2 to the %2oced72e fo2 asce2tainin8 87ilt o2 innocence, o2 to the i1%osition of a %2o%e2 %7nish1ent o2 2e1ed&.H ./) U.#. at .)). Defendant c7ts that standa2d off in his 1otion, and i1%lies the (o72t c2eated a test it did not. o be clea2,)ones does not c2eate a b2oad standa2d b& 6hich co72ts 7%hold 2e87lations if the& a2e 2easonabl& 2elated to anothe2 offense o7tside these t6o na22o6 conte=ts. Id.

Else6he2e, Defendant s788ests his t2avel 2est2ictions a2e :7stified beca7se, in his vie6, Plaintiff0s s7%%o2t is c2i1inal. Doc.)@ at +/. A8ain, Defendant

1 isconst27es &et anothe2 %o2tion of)ones.

inconvenience cases 1e2el& 2einfo2ce that the ha21 he2e is si8nificant and that Plaintiff is entitled to 2elief.

Even if the2e 6as so1e loose balancin8 test as Defendant s788ests, the fo7ndational i1%o2tance of the 2i8ht to t2avel, and the conseL7ences to the nation that follo6 6hen it is de82aded, de1onst2ate that Defendant0s th2eats cannot 6ithstand :7dicial sc27tin&. Defendant a287es that even if his th2eats violate the 2i8ht to t2avel, the state0s inte2ests ove2co1e the inte2ests of Plaintiff and those it se2ves. A si1ila2 a2871ent 6as 2e:ected in Ed#ards. +5. U.#. at 5;+. One need onl& looE to Ed#ards to see a (o72t that 6as s&1%athetic to the G82ave and %e2%le=in8 social and econo1ic dislocationH that led (alifo2nia to seeE to 7se its %olice %o6e2 to 2est2ict t2avel, b7t nonetheless st27cE do6n the t2avel 2est2iction. Id. No 1atte2 the si8nificant inte2est the state had in e=e2cisin8 its %olice %o6e2, the (o72t fo7nd that %2ese2vin8 the f2ee 1ove1ent of %eo%le ac2oss state lines 6as too i1%o2tant. Id. he sa1e concl7sion 17st follo6 he2e, and Defendant0s 1otion to dis1iss sho7ld be

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CERTIFICATE OF SERVICE

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