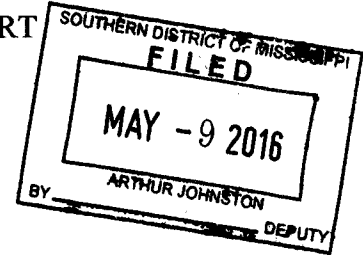


IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
Jackson Division



NYKOLAS ALFORD and STEPHEN )  
THOMAS; and ACLU OF MISSISSIPPI, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
JUDY MOULDER, in her official capacity as )  
MISSISSIPPI STATE REGISTRAR OF )  
VITAL RECORDS, )  
 )  
Defendant. )

Civil No. 3:16cv 350 DPJ-FKB

**ORAL ARGUMENT REQUESTED**

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs Nykolas Alford and Stephen Thomas and the ACLU of Mississippi respectfully move for the issuance of a preliminary injunction prohibiting Defendant Judy Moulder, in her official capacity as Mississippi State Registrar of Vital Records, from enforcing Mississippi House Bill 1523, the Protecting Freedom of Conscience from Government Discrimination Act ("HB 1523"), which is scheduled to go into effect on July 1, 2016.

The grounds for this motion are that the HB 1523 violates the Fourteenth Amendment by subjecting the lawful marriages of same-sex couples to different terms and conditions than those accorded to different-sex couples. *Obergefell v. Hodges*, 135 S. Ct. 2584, 2607 (2015). Unless a preliminary injunction is granted, Mr. Alford and Mr. Thomas, ACLU of Mississippi members, and other same-sex couples seeking to marry after July 1, 2016, will suffer irreparable harm as a result of being relegated to a separate and unequal set of rules that do not apply to the legal marriages of different-sex couples. This separate and unequal treatment tells all persons with whom same-sex couples interact that their marriage is less worthy than the marriages of others.

A preliminary injunction is necessary to allow Mr. Alford and Mr. Thomas, ACLU of Mississippi members, and other same-sex couples seeking to marry after July 1, 2016, to enter into marriage with equal dignity in the eyes of the law and without an unconstitutional stigma casting a shadow over the entire engagement and wedding-planning process.

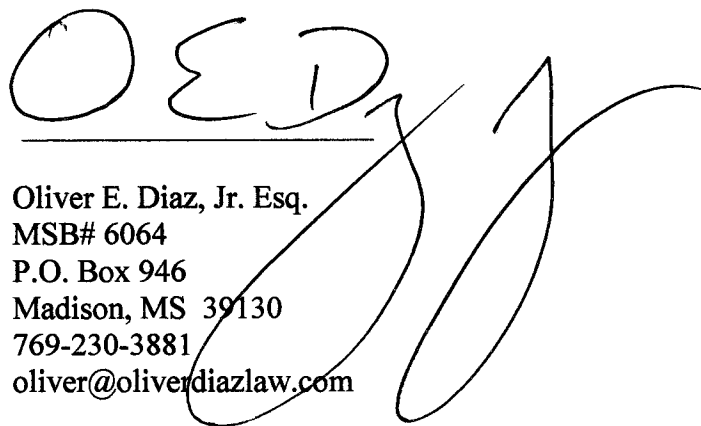
In support of this application, Plaintiff respectfully refer the Court to the Complaint, the Memorandum in Support of Plaintiffs' Motion for Preliminary Injunction, the Declaration of Jennifer Riley-Collins, the Declaration of Nykolas Alford, and the Declaration of Stephen Thomas.

Pursuant to Local Uniform Civil Rule 7(b)(6), Plaintiffs respectfully request oral argument on this motion.

Dated: May 9, 2016

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*\* Motion for admission pro hac vice to follow*