

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES,

:

CIVIL NO. 1:CV-01-2159

Plaintiff

:

(Judge Conner)

v.

:

THURSTON PAUL BELL,

:

Defendant

:

:

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

By Order dated January 10, 2003, the court enjoined defendant Thurston Bell ("Bell") from promoting his frivolous "U.S. Sources" argument. (See Docs. 90 & 91). Presently before the court is Bell's motion to stay the preliminary injunction. (Doc. 93).

Bell's motion is analogous to a motion to stay an order pending appeal. Such motions are evaluated under the same four-factor balancing test used to determine the initial motion for preliminary injunction. See Hilton v. Braunskill, 481 U.S. 770, 776 (1987); Republic of Philippines v. Westinghouse Elec. Corp., 949 F.2d 653, 658 (3d Cir. 1991); Kahn v. Elwood, 232 F.Supp.2d 344, 349 (M.D.Pa. 2002).

Defendant challenges two aspects of the Preliminary Injunction Order: (1) the scope and propriety of the injunction; and (2) the requirement that defendant provide plaintiff with a copy of each letter prepared in accordance with paragraph two of the Order. With regard to the scope and propriety of the injunction, the motion to stay

simply reargues the merits of plaintiff's motion for preliminary injunction. Bell fails to present any new evidence or new arguments to support this aspect of his motion. Rather, defendant rehashes his absurd U.S. Sources argument. Therefore, for the reasons stated in the court's Memorandum dated January 10, 2003, the court will deny this aspect of defendant's motion to stay the preliminary injunction.

The government agrees to the temporary suspension of the challenged clause in paragraph two, pending disposition of plaintiff's motion to compel and the resolution of defendant's objections based upon the Fifth Amendment. Therefore, the court will grant defendant's motion to that limited extent as set forth in the following order.

AND NOW, this 1st day of April, 2003, it is hereby ORDERED that defendant's motion to stay the preliminary injunction (Doc. 93) is GRANTED in part and DENIED in part. During the pendency of plaintiff's motion to compel (Doc. 45), the last clause in paragraph two of the preliminary injunction is amended to read:

“and Bell shall simultaneously serve copies of *all* such letters (without attachment) under seal to the Clerk of Court of the United States District Court for the Middle District of Pennsylvania.”

Defendant's motion is denied in all other respects. Defendant shall file a status report regarding his compliance with paragraph two of the preliminary injunction, as amended by this Order, on or before April 20, 2003.

In light of the March 26, 2003 Case Management Order (Doc. 104), defendant's motion for hearing is DISMISSED as moot.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

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