UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALBERTO R. GONZALES, ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA,	:	CIVIL ACTION
Plaintiff,	:	
v.	:	
JOHN DUNKLE,	:	No. 07- _____
Defendant.	:	

ORDER ISSUING PRELIMINARY INJUNCTION
ON MOTION OF THE ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA

AND NOW, this day of , 2007, upon consideration of the Motion of the Attorney General of the United States of America (the "United States Attorney General") for Preliminary Injunctive Relief against Defendant, John Dunkle, and the Court having considered the United States Attorney General's verified complaint and legal memorandum in support hereof, and the Court having concluded -- hereby ruling -- that an evidentiary hearing and oral argument are unnecessary in resolving the pending motion, this Court hereby finds for the purposes of this motion:

FINDINGS

A. Background

1. At all times relevant, Defendant's anti-abortion activities and efforts included, inter alia, the publication and dissemination of various written

materials circulated in both paper and electronic form, including a monthly newsletter, an internet webpage (http://skyp1.blogspot.com/2006_07_01_archive.html) and an internet webblog (http://skyp1.blogspot.com/2005_04_01_archive.html).

2. Defendant's anti-abortion activities and efforts frequently included activities that directly targeted specific individuals who provide reproductive health services to women residing in the Philadelphia, Allentown, Reading, and West Chester, Pennsylvania areas.

3. Defendant's anti-abortion activities and efforts have been an ongoing, continuous, and consistent pattern of conduct.

4. Defendant intended to force reproductive health clinic physicians and staff targeted in his anti-abortion activities and efforts to fear for their lives and cease providing reproductive health services.

B. Defendant's actionable threats

5. Defendant targeted, placed in danger, and threatened a specifically identifiable female reproductive health clinic physician, formerly

employed at Planned Parenthood of Reading and the Philadelphia Women's Center. The targeted individual ceased providing reproductive health services in fear of the Defendant's threats to her life.

6. Defendant explicitly encouraged his readers to kill the targeted individual by shooting her in the head.

7. Defendant published the targeted individual's name, photograph, and home address on his internet webpage and webblog.

8. Defendant published instructions regarding the specific means to kill the targeted individual, as well as how to escape detection upon the commission of her murder.

9. Defendant's publication states in relevant part:

> To kill someone in self-defense is not a sin if that level of violence was needed to repel the attack. I further this by saying the babies' self defense is all of us standing in their place to stab, shoot, beat, burn, or kill the aggressors all the time. . . .
>
> I am bringing you some of the hidden faces of baby murderers that the law protects. Here's [full name of the provider] hiding under a hood with sunglasses on (picture included). She wears a vest, probably. While it does not sound good to say go shoot her between the eyes, it sounds even worse to say let her alone; she has a right to do abortions and kill a hundred

> babies a week. This pig has murdered over 24,000 babies to my belief. So I am telling you it's much better that someone put a piece of lead in her brain so she will be known as an unviable fetus who was a product of her own belief system. Go rent a car and take the license plate off[;] wear gloves and don't let anyone notice you or tell anyone. I have given you her address. When people look around and say I heard or saw this they won't know for sure nor will they be able to have the correct information to come back to you. Make sure you're not being followed either. Stay away from hidden cameras also. Look to see if there are motion and smoke detectors at residences. Surveillance cameras are at death camps and all over - parking lots, streets, hospitals, and buildings.

10. This message continues to appear on Defendant's webpage.[1]

11. Defendant's conduct as described in paragraphs 5-10 hereof constitutes a threat of death or serious bodily injury to the targeted individual reproductive health clinic physician.

12. Due to the nationwide reach of Defendant's internet posting, Defendant's conduct as described in paragraphs 5-10 hereof constitutes a threat of death or serious bodily injury to all reproductive health clinic physicians, staff, and patients by creating a climate of fear surrounding

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[1] See http://skyp1.blogspot.com/2006_07_01_archive.html.

reproductive health clinics.

13. Defendant's conduct as described in paragraphs 5-10 hereof has injured, intimidated and interfered with -- and continues to injure, intimidate and interfere with -- reproductive health clinic physicians, staff, patients and their companions, and interferes with the ability of clinic staff to provide, and clients and patients to obtain, reproductive health services.

14. Defendant's threats described in paragraphs 5-10 above are actionable under the Freedom of Access to Clinic Entrances Act, 18 U.S.C. § 248 (1994) and the Attorney General is entitled to the requested injunctive relief.

CONCLUSIONS

1. This Court has jurisdiction over this action pursuant to the Freedom of Access to Clinic Entrances Act ("FACE"), 18 U.S.C. § 248 (1994), and 28 U.S.C. § 1345.

2. The United States Attorney General has standing to bring this action and to seek a preliminary injunction pursuant to FACE, 18 U.S.C. §§ 248(c)(2).

3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2) in that Defendant resides in this judicial district, and all the events giving rise to this complaint occurred in this judicial district.

4. The Attorney General has established all the elements required for the granting of a preliminary injunction, namely (1) a reasonable probability of success on the merits; (2) a possibility of irreparable injury to the movant; (3) that granting the relief will not result in even greater harm to the non-movant; and (4) that granting the relief is in the public interest.

5. The Attorney General is thus entitled to the following preliminary injunction pending a final hearing or other determination of the merits or until further order of this Court.

PRELIMINARY INJUNCTION

And now this day of , 2007, it is hereby ORDERED that the United States Attorney General's Motion for Preliminary Injunctive Relief as to Defendant, John Dunkle, is GRANTED and, pending a hearing in this action or other consideration of the merits, and unless receiving prior

permission of this Court, Defendant and his representatives, agents, employees and any others acting in concert or participation with him, are prohibited from publishing, either orally or in writing, in paper or electronic form, in whole or in substantial part, the message appearing on his internet webpage and webblog as set forth in paragraph 9 of the "Findings" hereof or from publishing, either orally or in writing, in paper or electronic form, equivalent messages that contain the names, addresses, or photographs of reproductive health clinic physicians, staff, or patients with the intent to threaten physical harm to clinic physicians, staff, or patients -- or any other person or any class of persons -- thus preventing them from obtaining or providing reproductive health services.

BY THE COURT:

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UNITED STATES DISTRICT COURT JUDGE