

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

**JEFFREY BUONGIORNO,**

Plaintiff,

v.

**ALEJANDRO MAYORKAS, et al**

Case No. 9:24-cv-80920-AMC

**PLAINTIFF'S AMENDED MOTION for**  
**TEMPORARY RESTRAINING ORDER**

# **PLAINTIFF'S AMENDED MOTION for TEMPORARY RESTRAINING ORDER**

1. Plaintiff Jeffrey Buongiorno, pro se, per Fed. R. Civ. P. 65(a), motions this Court for a Preliminary Temporary Restraining Orders against all Defendants.

## **Reasons for the Preliminary Temporary Restraining Order**

2. Per Fed. R. Civ. P. 65(d)(1)(A), the reason for the Temporary Restraining Order is to prevent the irreparable harm that will occur if Plaintiff suffers future violations of his First Amendment rights.

## **THE BALANCING TEST**

3. The U.S. Supreme Court has set a high burden of proof for a plaintiff seeking a Temporary Restraining Order. The Court identified a four-part balancing test in *Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008).

### **1. Likelihood of Success on the Merits**

4. The Amended Complaint has a strong likelihood of succeeding on the merits regarding Count 6 “Violation of the First Amendment”. The multiple videos in the Amended Complaint (ECF 17, p. 20) are strong evidence against Defendants.<sup>1</sup>

### **2. Likelihood of Irreparable Harm**

5. If a temporary restraining order is not granted, irreparable harm will occur to Plaintiff and other citizens. Defendants are clearly making it their routine manner of conducting business to remove citizens illegally from public spaces and meetings.

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<sup>1</sup> <https://rumble.com/v5b75dv-buongiorno-ejected-from-open-palm-beach-county-canvassing.html>  
<https://rumble.com/v5bfrgt-palm-beach-county-commissioners-meeting-june-4th-dont-say-illegals.html>  
<https://rumble.com/v5b6zs-1-pbc-supervisor-of-elections-denied-access-to-public-meeting.html>

### **3. Balance of Equities and Hardships**

6. The balance of both equities/hardships is in favor of Plaintiff. The injunctive relief asks for nothing more than Defendants to stop violating the U.S. Constitution and other laws. That is in the best interest of the public.

### **4. Public Interest**

7. Lastly, Plaintiff can easily show that the injunctive relief is in the public interest. As mentioned, the public has a right to attend Palm Beach County public meetings and observe the canvassing board.

## **TERMS AND RELIEF REQUESTED**

Per Fed. R. Civ. P. 65, the terms of the Temporary Restraining Order and relief that Plaintiff seeks are as follows:

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and against Defendants that provides the following relief:

- 1) An Temporary Restraining Order prohibiting and Defendant from violating Plaintiff's First Amendment rights by, including but not limited to, using police force to threaten the arrest of citizens at public meetings and/or stifle free speech at public meetings
- 2) If Defendants violate this Temporary Restraining Order, they will be fined \$10,000 for each violation, payable by each individual defendant committing the violations of this Temporary Restraining Order, to be paid by the individual and not the County, State, or Federal agency for which they work, as well as criminally prosecuted by the U.S. Marshal.
- 4) Plaintiffs' reasonable costs and expenses of this action, including attorneys' fees; and;
- 5) All other further relief to which Plaintiff may be entitled.

Respectfully submitted this 19<sup>th</sup> day of August, 2024.

/s/: Jeff Buongiorno  
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