

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION**

I.P., a minor, by and through B.P.,

Plaintiff,

v.

TULLAHOMA CITY SCHOOLS, a political subdivision of the State of Tennessee; JASON QUICK, in his individual capacity; and DERRICK CRUTCHFIELD, in his individual capacity,

Defendants.

Case Number: 4:23-cv-26

Hon. _____

**PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

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**Pro Hac Vice* Motions Pending

Counsel for Plaintiff

Plaintiff I.P., by and through his mother, B.P., moves under Fed. R. Civ. P. 65(a) for a preliminary injunction against Defendant Tullahoma City Schools (the “School District”) (1) ordering the School District to expunge I.P.’s August 2022 suspension from his school record and (2) enjoining the School District from enforcing two unconstitutional social media policies contained in its Tullahoma High School Student Handbook.

1. I.P. is likely to succeed on the merits of his claims because Defendants’ suspension of I.P. for private, off-campus speech that did not cause a substantial disruption at school violated the First Amendment. I.P. is also likely to succeed in his challenge against the School District’s social media policies prohibiting “embarrassing, demeaning, or discrediting” speech and barring social media posts “unbecoming of a Wildcat,” because the policies are unconstitutionally broad and vague in violation of the First and Fourteenth Amendments.

2. The ongoing deprivation of I.P.’s First Amendment rights constitutes per se irreparable harm. *See Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012). Additionally, I.P.’s suspension for engaging in protected expression constitutes irreparable harm because it hinders his applications to colleges and for scholarships. *See Doe v. Univ. of Cincinnati*, 872 F.3d 393, 407 (6th Cir. 2017).

3. Additionally, the balance of equities favors I.P. because the School District cannot present an interest that outweighs I.P.’s interest in exercising his First Amendment rights.

4. Granting a preliminary injunction furthers the public interest because it prevents the violation of constitutional rights and gives the students at Tullahoma High School the opportunity to see the protections of the Constitution at work.

5. In further support of his motion, I.P. relies on the accompanying Brief in Support of Plaintiff's Motion for Preliminary Injunction, and Exhibits A and B to that Brief.

6. I.P. respectfully requests the Court grant his Motion and enter the proposed order provided separately to the Judge's Chambers in accordance with EASTERN DISTRICT OF TENNESSEE, ECF SYSTEM USER MANUAL 18 (rev. 2019).

Dated: July 19, 2023

/s/ Darrick L. O'Dell
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Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2023, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing upon all ECF filing Participants. I further certify that counsel for Plaintiff dispatched a process server to serve the same on all Defendants.

/s/ Darrick L. O'Dell
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