

1 Jacob Daniel Anderson)
2 **Plaintiff,**)
3 Vs.)
4 Oregon Board of Parole by and)
5 through)
6 Polk County Community)
7 Corrections)
8 By and through,)
9 James Ryzdewski, Richard Warren,)
10 and)
11 Jodi Meritt.)
12 Attorney for the Defendant,)
13 Morgan Smith)
14 Polk County Counsel)
15 **Defendant,**)

Case Numbers under Joinder of Claims:

25SC02185; 25SC02193; 25SC02577

JURY TRIAL CASE NUMBER: 25CV09750

Motions for Preliminary Injunctions

ORCP 79

13
14 **1. JURISDICTIONAL STATEMENT**

15 The Plaintiff submits this Motion pursuant and in accordance with ORCP 79, With Notice served in
16 each Case prior to Joinder of Claims which is in compliance with ORCP 24, and is served Via
17 Electronic service as attached certificate provides.

18 **2. MOTION Against Condition of Speech**

19 The Plaintiff moves the court pursuant to standard, of Helms v. Gilroy, 20 Or 517, 520, 26 P 85
20 (1891) (citation omitted), for and Preliminary Injunction relating to the defendant actions of repeated
21 and malicious usurpations by the Defendant Agency which largely comply with No provided
22 background information of Oregon law in attempts to silence speech, and encroach upon the
23 Plaintiffs valid and in assertion “discretionary” constitutional protections afforded at all times in
24 public society to all citizens. The actions sought for restraint are the unnecessary Abridgement of
25 The First Amendment of The United States of America Constitution, “Congress shall make no law

26 25CV09750

27 Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision
28 By and through Polk County Community Corrections
James Ryzdewski, Richard Warren, and Jodi Merritt
Preliminary Injunction Motions

1 abridging the freedom of speech” which in application requested, causes a voidance of the special
2 condition of Post Prison Supervision returned to supervision requirements even during the pendency
3 of appeal, and did not go more than 12 days without arrest after imposition, where multiple times has
4 been requested for review and is now subject matter of litigation within this Civil Rights lawsuits.
5 The Plaintiff is in grave risk of loss of public access and freedom at any time deemed “discretionary”
6 whereas no law has been violated in the Jurisprudence of The Judiciary. The condition is also
7 naturally with various levels of scrutiny, unlikely to withstand a Constitutional Challenge, whether
8 by a Judge or Jury. This has been used for simple insults and profanity, which is evident to be
9 unlawful in the authorities cited in this Injunction request. The Defense Counsel was served with
10 notice of information of the requests 1/27/2025, and 1/29/2025, which is in excess of the mandatory
11 5 day period prior to issuance. This does not affect the validity of General Conditions of Supervision,
12 Reporting Requirements, and other obligations such as to “Obey all Laws” and “Not possess or
13 Consume controlled substances” in example, nor “Remain in the State unless written permission is
14 Granted by the Community Corrections Department.” It is simply a remedy sought for causes of
15 Limiting the discretion to lawful subject matter of incarceration such as recidivism and criminal
16 Conduct. The Plaintiff has largely complied with Corrections needed in prior years, where the Polk
17 County Community Corrections Department has seen no recidivist behaviors in criminal nature and
18 took it upon themselves to request a very broad and ambiguous lacking definition standard where
19 the Plaintiff is put at risk of incarceration for “offensive” speech, and is verbally reprimanded for
20 Profanity which is also outlined as protected speech in Article 1 § 8 of The Oregon Constitution
21 where citizens are allowed to “speak on any subject matter whatsoever”. For aforementioned
22 Reasons it is well within the Judicial Capacity to Order the Defendant Agency to discontinue
23 Operation without expressly provided refinement in writing as to what is allowed and disallowed to
24
25
26
27
28

1 the court at the time of hearing if they so may file objections on their behalf.

2
3 **Relief Requested:**

4 An order directing the Local Supervisory Authority to not impose the condition pending litigation.

5
6
7 **1. JURISDICTIONAL STATEMENT**

8
9 The Plaintiff submits this Motion pursuant and in accordance with ORCP 79, With Notice served in
10 Each Case prior to Joinder of Claims which is in compliance with ORCP 24, and is served Via
11 Electronic service as attached certificate provides.

12
13 **2. MOTION Against agency “No Cause” eviction from Stable Housing**

14
15 The Plaintiff moves the court for an Preliminary Injunction pursuant to standard of United
16 States v. Jacobsen, 466 U.S. 109, 113, 104 S.Ct. 1652, 80 L.Ed.2d 85 (1984), the Supreme
17 Court explained that the first clause of the Fourth Amendment “protects two types of
18 expectations, one involving searches, the other seizures.” and Pursuant to 90.100 which
19 defines the private agreement and ultimately gives no implicit capacity of the defendant
20 agency to couple the condition to “abide by the direction of officer” in correlation to mandates
21 to “leave residence” of personal rental agreement attained by the Plaintiff. The general
22 standard on this matter is that the is ongoing criminal activity at a location and for such
23 reasons which require a “reasonable suspicion” standard or material evidence, a criminal
24 history related cause, or actual public property to be trespassing up on, the Defendant Agency
25 largely has no valid reasoning and has in the prior month 1/21/2025-2/26/2025 provided no
26 cause in writing for reasoning as to the decision, or process of consideration in the decision
27 relating to the necessitated demand to leave a stable and privately owned residential home,
28 where I have a private rental agreement in context to the locations in the field “Notice of
Trespassing” filed and served in this case, due to actual attempts at the direction of the
supervision officer to enter Rooms specifically denied by the witnesses, as in need of a valid
search warrant and not within the living space which has been identical for years and multiple
supervisors all honored it, in this case, they refused and claimed they had permission to enter
all locations in the property, as to restrictions of chapter 291 of Oregon Administrative Rules.

25CV09750

Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision
By and through Polk County Community Corrections
James Ryzdewski, Richard Warren, and Jodi Merritt
Preliminary Injunction Motions

1 The limitations were given by the property owner 3 times, and each time he asserted a false
2 claim that he needed to be able to go everywhere within the property without a valid warrant.
3 There was an utter disrespect for the property owners limitations and demands for a warrant
4 relating to their personal areas well within cohabitant law definition of chapter 291 of which
5 ultimately constitutes Attempted Criminal Trespass in the First degree by Conspiracy as a
6 directive. The Defendant Agency asserts it's right to arrest myself, the Plaintiff, if not moved
7 out by 2/20/2025 and on 2/28/2025 at 3:30 pm, the plaintiff is required to report to the office
8 by the very person who attempted to trespass upon a U.S. Army Veterans personal property
9 when specifically with knowledge of trespassing being the adverse of the "if I do?" mentality
10 he holds. The Plaintiff again, is at grave risk of being incarcerated for following the "stable
11 housing" criteria of general humanitarian need and abiding by my Rental Agreement.

12 **RELIEF REQUESTED:**

13 An order directing allowance to maintain residence and reside personally at 1259 14th Avenue
14 Northwest Salem, Oregon 97304 per tenancy agreement without with exception of Property
15 Owner Exclusion, disallowing undue interference by a simple directive to move out of
16 residence without cause by the defendant agency and named actor in an unlawful termination
17 of a private tenancy agreement with a private property owner that has been permitted by 2
18 other supervisory agents, and has been deemed stable housing by everyone except the
19 defendant, which halts the discretional ability to incarcerate a person for having a private
20 living area where the agency is unwelcome into the homes of other tenants and their private
21 areas.

22 **3. POINTS AND AUTHORITIES**

23 A preliminary injunction is only a provisional remedy, the sole object of which is to preserve the
24 subject in controversy in its then condition, and, without determining any question of right, merely to
25 prevent the further perpetration of wrong, or the doing of any act whereby the right in controversy
26 may be materially injured or endangered. In granting or refusing temporary relief by preliminary
27 injunction, courts of equity should in no manner anticipate the ultimate determination of the question
28 of right involved. Helms v. Gilroy, 20 Or 517, 520, 26 P 85 (1891) (citation omitted).

In Oregon Education Ass'n v. Oregon Taxpayers United PAC, 227 Or App 37, 45, 204 P3d 855, 860
(2009) (Landau, J), the court stated in dicta, citing Fleming, that "a hearing on whether a preliminary

25CV09750

Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision
By and through Polk County Community Corrections
James Ryzdewski, Richard Warren, and Jodi Merritt
Preliminary Injunction Motions

1 injunction should issue is not a hearing on the merits, but is merely to determine whether the party
2 seeking the injunction has made a sufficient showing to warrant the preservation of the status quo
3 until the later hearing on the merits.” (citations omitted). The moving party has to make a “sufficient
4 showing” that without the PI or TRO the status quo is in jeopardy and that the status quo is worth
5 preserving. “The office of a preliminary injunction is to preserve the status quo so that, upon the
6 final hearing, full relief may be granted.” Id. (internal quotation marks, alterations, and citation
7 omitted)
8

9 Furthermore,

10 “[T]he essential conditions for granting such temporary injunctive relief” include “that on the entire
11 showing from both sides it appear[s], in view of all the circumstances, that the injunction is
12 reasonably necessary to protect the legal rights of the plaintiff pending the litigation * * *.”

13 Tidewater Shaver Barge Lines, 195 Or at 580-81 (quoting 28 Am. Jur. Injunctions, 207, § 14).

14 The Court held that government may not punish profane, vulgar, or opprobrious words simply
15 because they are offensive, but only if they are fighting words that have a direct tendency to cause
16 acts of violence by the person to whom they are directed. Gooding v. Wilson, 405 U.S. 518 (1972)
17
18

19 And,

20 ORS 90.100

21 As a “Month to Month Rental Agreement”.

22
23
24
25 Dated,

26 2/27/2025

27
28 25CV09750

Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision
By and through Polk County Community Corrections
James Ryzdewski, Richard Warren, and Jodi Merritt
Preliminary Injunction Motions

5

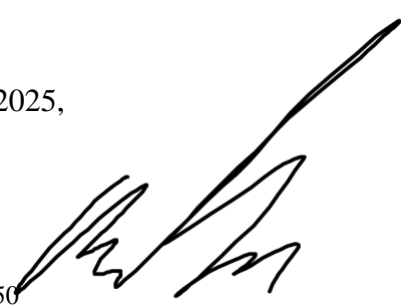


Jacob Daniel Anderson
1259 14th Avenue Northwest
Salem, Oregon 97304
(503)551-6909

CERTIFICATE OF SERVICE

I, Jacob Daniel Anderson, under penalty of perjury do swear I served a copy of this Preliminary Injunction to the Counsel of the Defendant Morgan Smith, and Luke Rees via E-service through the Tylerhost Service Transmission and filed a copy with the Court, dated below.

Dated 2/27/2025,



25CV09750

Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision
By and through Polk County Community Corrections
James Ryzdewski, Richard Warren, and Jodi Merritt
Preliminary Injunction Motions

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Jacob Daniel Anderson
1259 14th Avenue Northwest
Salem, Oregon 97304
(503)551-6909

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28