

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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FREDERICK CARLTON "CARL"	:	
LEWIS,	:	
	:	
Plaintiff,	:	Civil Action No.
	:	11-2381-NLH
	:	
v.	:	<b>ORDER</b>
	:	
SECRETARY OF STATE KIM	:	
GUADAGNO, et. al.,	:	
	:	
Defendants.	:	

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**HILLMAN, District Judge**

THIS MATTER having been raised by Plaintiff's Motion for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not be Entered; and

THE COURT HAVING CONDUCTED a hearing and oral argument on the matter on Thursday, April 28, 2011 and for the reasons set forth on the record during oral argument, with the Court reserving the right to supplement its oral opinion with a written opinion at a later time pursuant to L. Civ. R. 52.1; and for good cause shown;

THE COURT FINDING THAT Plaintiff has failed to demonstrate a likelihood of success on the merits, in that the Court finds Sununu v. Stark, 383 F.Supp. 1287 (D.N.H. 1974), aff'd mem., 420 U.S. 958 (1975), to be binding and controlling precedent in the present matter; and


THE COURT FURTHER FINDING THAT even if the summary affirmance by the Supreme Court of the three judge panel decision

in Sununu were not controlling precedent, this Court would apply the strict scrutiny standard, adopt the reasoning of the three judge Sununu panel, and conclude on the facts of this case and the state constitution provision at issue here that Plaintiff has failed to demonstrate a likelihood of success on the merits of his claim that the State of New Jersey's Constitution provision requiring candidates for the New Jersey Senate to reside within the State for four (4) years violates the Equal Protection Clause of the Fourteenth Amendment because it furthers a compelling state interest;

**IT IS THEREFORE** on this 28<sup>th</sup> day of April, 2011

**ORDERED** that Plaintiff's Motion for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not be Entered [Doc. 4] is **DENIED**.

At Camden, New Jersey

  
NOEL L. HILLMAN, U.S.D.J.