COMMERCE; and WILBUR ROSS, Secretary of Commerce, Defendants.	USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3-10-20
BUREAU OF THE CENSUS; STEVEN DILLINGHAM, Director, Bureau of the Census; UNITED STATES DEPARTMENT OF	19 Civ. 10917 (AKH)
-against-	PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION
Plaintiffs,	DEFENDANTS' MOTION TO DISMISS AND DENYING
CENTER FOR POPULAR DEMOCRACY : ACTION and CITY of NEWBURGH, :	ORDER GRANTING
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	¢
Case 1:19-cv-10917-AKH Document 69	Filed 03/18/20 Page 1 of 2

This suit is one of several to challenge aspects of the above-named Defendants'

oversight of the 2020 decennial Census. Plaintiffs—an advocacy organization focused on, *inter alia*, the accuracy of the Census; and a municipality—contend that Defendants' plans for making an enumeration of the population include several arbitrary and capricious decisions that will lead to a differential undercount of persons of color, lower income persons, and other "hard-to-count" communities, in violation of the Administrative Procedure Act, 5 U.S.C. §§ 500 *et seq.*, and the Enumeration Clause of the Constitution, U.S. Art. I § 2 cl. 3. Now before me are two competing motions: Defendants' motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6); and Plaintiffs' motion seeking a preliminary injunction pursuant to Federal Rule of Civil Procedure 65. *See* ECF Nos. 38, 47. I held a hearing today on both motions, and for the reasons stated on the record and incorporated in this order, Defendants' motion to dismiss is granted and Plaintiffs' motion for a preliminary injunction is denied.

Case 1:19-cv-10917-AKH Document 69 Filed 03/18/20 Page 2 of 2

The Clerk is directed to terminate the open motions (ECF Nos. 38, 47) and mark

the case closed.

SO ORDERED.

Dated: N

March 18, 2020 New York, New York

D. I. Alant

ALVIN K. HELLERSTEIN United States District Judge