

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

AMANDA MCGONIGLE,

Plaintiff,

v.

SEAN M. CURRAN, in his official capacity
as Director of the U.S. Secret Service,
JOHN HILLER, in his official capacity as
Director of the Presidential Advance,
EXECUTIVE OFFICE OF THE
PRESIDENT, and UNITED STATES
SECRET SERVICE

Defendants.

Civil case number: 1:26-cv-00349-JAW

**DEFENDANTS' OPPOSITION TO MOTION FOR PRELIMINARY
INJUNCTION**

Based on speculation that she will be denied admission to an event featuring the Vice President this Monday in Brewer, Maine, Plaintiff moves for an immediate preliminary injunction prohibiting Defendants "from excluding her from future vice-presidential events in retaliation for her protected speech or based on her viewpoint." ECF No. 7, at 20. But Defendants have already confirmed that Plaintiff will be able to attend Monday's event subject to the same rules as anybody else, and that attendees will not be excluded based on protected speech or expression. Thus, Plaintiff will suffer no irreparable harm absent an injunction, much less harm sufficient to outweigh Defendants' considerable equities and the public interest. The Court should deny relief.

I. The Court Should Deny Relief

"A preliminary injunction is an extraordinary remedy never awarded as of right." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). To obtain that relief, Plaintiff "must establish that [s]he is likely to succeed on the merits, that [s]he is likely to suffer

irreparable harm in the absence of preliminary relief, that the balance of equities tips in h[er] favor, and that an injunction is in the public interest.” *Id.* at 20. A preliminary injunction “may be granted only if the district court finds that all four of the relevant factors . . . weigh in favor of granting the request.” *Cushing v. Packard*, 30 F.4th 27, 35 (1st Cir. 2022) (quotation marks and alterations omitted). Because Plaintiff seeks relief against the government, the balance-of-equities and public-interest factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

A. Plaintiff fails to demonstrate that irreparable harm is likely

Most importantly for present purposes, Plaintiff must “demonstrate that irreparable injury is *likely* in the absence of an injunction.” *Winter*, 555 U.S. at 22; *see also Charlesbank Equity Fund II v. Blinds To Go, Inc.*, 370 F.3d 151, 162 (1st Cir. 2004) (“The burden of demonstrating that a denial of interim relief is likely to cause irreparable harm rests squarely upon the movant.”). “Issuing a preliminary injunction based only on a possibility of irreparable harm” would be “inconsistent” with the Supreme Court’s “characterization of injunctive relief as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22.

Plaintiff cannot meet that burden because Defendants have made clear that she may attend Monday’s event subject to the same rules as anyone else with a valid registration for the event. Declaration of U.S. Secret Service Special Agent in Charge Mark Comorosky (attached hereto as Exhibit A) ¶¶ 7-9; Declaration of Mitchell D. Cain, Lead Advance Representative, Office of the Vice President of the United States (attached hereto as Exhibit B) ¶ 4. Thus, no injunction is necessary to prevent the harm Plaintiff alleges is

imminent, and the Court should decline to enter extraordinary relief. See *Thibeault Oak Hill Condominiums*, No. 2:26-cv-00287, 2026 WL 1815647, at *9 (D. Me. June 24, 2026) (Woodcock, J.) (finding plaintiffs failed to show irreparable harm in part based on defendants' representations that they would not undertake certain actions).

For her part, Plaintiff offers no evidence she will be denied admission to Monday's event based on her First Amendment activity. She *concedes* that she received confirmation of her registration to attend. Declaration of Amanda McGonigle, ECF No. 7-1, ¶ 63. She alleges only one other occasion when she claims to have been turned away from an event after receiving confirmation that she could attend. *Id.* ¶¶ 28-54. Even if Plaintiff could establish that her First Amendment rights were violated on that one occasion (a claim Defendants reject and reserve the right to contest), that "does nothing to establish a real and immediate threat" that the alleged violation will recur. *City of Los Angeles v. Lyons*, 461 U.S. 95, 105 (1983). In any event, Defendants' declarations show that no real and immediate threat exists.

B. The equities and public interest weigh against an injunction

Even if Plaintiff could show a likelihood of irreparable harm, she cannot show that injury outweighs the significant equities and public interest favoring denying relief. The Secret Service is charged with providing security to the Vice President. Comorosky Decl. ¶¶ 3-5. All attendees, including Ms. McGonigle, may be affected by Secret Service actions based on security considerations, applicable protocols, and the Secret Service's protective mission. *Id.* ¶ 9. Those actions may, at times, require on-the-spot judgments about potential security threats, as well as carrying out routine protective functions. An injunction could chill the Secret Service in the exercise of those duties. *Id.* ¶ 10.

“[I]t is one thing to dissect and scrutinize an officer’s actions with the ‘20/20 vision of hindsight,’ ‘in the peace of a judge’s chambers.’ It is quite another to make ‘split-second judgments’ on the ground, ‘in circumstances that are tense, uncertain, and rapidly evolving.’” *Barnes v. Felix*, 605 U.S. 73, 89-90 (2025) (Kavanaugh, J., concurring) (quoting *Graham v. Connor*, 490 U.S. 386, 397 (1989)). The separation of powers and the impropriety of subjecting law enforcement officers’ decisions to judicial second-guessing on pain of contempt weighs heavily against the kind of injunction that Plaintiff seeks here. *See United States v. Patane*, 542 U.S. 630, 642 (2004) (“It is not for this Court to impose its preferred police practices on either federal law enforcement officials or their state counterparts.”).

That concern is especially acute because Plaintiff requests an inappropriate “follow the law” injunction. *See Vasquez Perdomo v. Noem*, 148 F.4th 656, 680 (9th Cir. 2025). Rule 65(d)(1) requires any injunction or temporary restraining order to “state its terms specifically” and “describe in reasonable detail . . . the act or acts restrained or required.” Fed. R. Civ. P. 65(d)(1). “The Rule was designed to prevent uncertainty and confusion on the part of those faced with injunctive orders, and to avoid the possible founding of a contempt citation on a decree too vague to be understood.” *Schmidt v. Lessard*, 414 U.S. 473, 476 (1974).

Perhaps recognizing the impossibility of fashioning workable injunctive relief, Plaintiff’s brief never suggests text for a preliminary injunction. Plaintiff requests that Defendants be enjoined “from excluding her from future vice-presidential events in retaliation for her protected speech or based on her viewpoint,” ECF No. 7, at 20, Defendants (as already explained) will not exclude any attendee at the Brewer event for

any First Amendment protected speech or expression. The possibility that Plaintiff could seek to have Secret Service agents held in contempt based on a misunderstanding should weigh heavily against granting Plaintiff's requested relief—even if Plaintiff could demonstrate irreparable harm.

II. Any Relief Should Be Appropriately Tailored

No relief is appropriate. Plaintiff cannot demonstrate irreparable harm, and—even if she could—the equities and public interest weigh decisively against judicial superintendence of the Secret Service's protective functions. But if the Court enters relief, it should appropriately tailor it to the perceived exigency and constitutional violation.

First, the Court should decline to enter a “preliminary injunction” pertaining to all “future vice-presidential events,” known and unknown. The Local Rules ordinarily give the party opposing a motion 21 days to respond. L.R. 7(b)(1). The supposed exigency that Plaintiff claims justified seeking “immediate” relief is Monday's event in Brewer. That is the *only* event that Plaintiff claims to have imminent plans to attend.¹ Monday's imminence made it appropriate to require Defendants to respond within one day. But there is no reason why Defendants' time to respond should be so abbreviated when it comes to the propriety of relief beyond Monday's event.

Accordingly, if the Court enters relief, that relief should pertain only to Monday's event. If the Court does not deny Plaintiff's motion, it should (1) enter any relief as to Monday's event as a temporary restraining order, (2) treat the portion of Plaintiff's

¹ Plaintiff states that she “intend[s] to register for and attend future vice-presidential events located anywhere in the country.” McGonigle Decl. ¶ 65. But she has not identified such events and does not claim to have actually formed plans to attend.

motion pertaining to future events as a motion for a preliminary injunction, and (3) order Defendants to respond to Plaintiff's motion for a preliminary injunction by September 11, 2026—the deadline appropriate under the Local Rules.

Second, as drafted, the request for relief at the end of Plaintiff's brief would apply to events that Plaintiff would have no First Amendment right to access. The Court should make clear that any relief applies only to events for which the general public can register. It should not apply to private events, and the Court's order should likewise be clear that any order does not require that Plaintiff be automatically admitted to events for which tickets are made available by lottery.

CONCLUSION

For the foregoing reasons, the Court should deny Plaintiff's motion for preliminary injunction.

Dated: August 22, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2026, I electronically filed the foregoing using the CM/ECF system, which will send an electronic notification of such filing to all counsel of record.

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