

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAMANTHA STARNES, and : CIVIL ACTION  
AARON STARNES, a minor by his :  
legal guardian, SAMANTHA :  
STARNES :  
 :  
 :  
v. :  
 :  
 :  
FELIX DeMURO, SR., :  
DOMINIC DeMURO :  
FELIX DeMURO, JR. :  
MICHAEL DeMURO :  
JOSEPH GREENWOOD :  
THERESA A. MARTIN :  
ELENA DeMURO : NO. 98-CV-2899

MEMORANDUM AND ORDER

J.M. KELLY, J.

APRIL 4, 2000

Before the Court is a Motion filed by defendant, Dominic DeMuro on behalf of the defendants named above in a civil action, for a Preliminary Injunction to refrain from further action in this case until the "final disposition" on the merits of the criminal matter that are related to this civil case. The defendants were accused of violating the civil rights and constitutional rights of Samantha Starnes and her child by wrecking havoc in a house that was rented by Ms. Starnes. It was averred that it was the intention of the defendants to keep African-Americans from moving into the 2500 block of South Franklin Street. The named defendants were all found guilty following a trial. Six defendants who proceeded to trial appealed their conviction to the Third Circuit Court of Appeals and in two separate Memorandum Opinions filed on September 28 and

September 29, 1999, their convictions were affirmed. No petitions for certiorari have been filed.

Plaintiffs filed this civil action on June 4, 1998. The defendants were personally served between July 2, 1998 and March 11, 1999. There has been no response to Plaintiff's Complaint and on November 23, 1999, default judgment was entered against the defendants Felix DeMuro, Sr., Elena DeMuro, and Teresa Martin. Default judgments have been entered against defendants, Dominic DeMuro, Joseph Greenwood and Michael DeMuro on March 17, 1999 and against Felix DeMuro, Jr., on March 31, 1999. An assessment of damages hearing is scheduled for April 10, 2000. One of the elements required before the granting of a preliminary injunction is whether the person seeking such relief is likely to prevail on the merits when the case comes to trial. S&R Corp. v. Jiffy Lube International, Inc., 968 F.2d 371 (3d Cir. 1992). In view of the history of this case, the Court finds that the defendants have not met this requirement. It is ORDERED that Defendants' Motion for Preliminary Injunction is DENIED.

BY THE COURT:

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JAMES MCGIRR KELLY, J.