

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON,
EUGENE DIVISION

Persida Myers v. Deschutes County, Oregon; and Board of County
Commissioners of Deschutes County

Myers · No. 6:26-cv-00555-MC · Decided April 7, 2026

SUMMARY

The United States District Court for the District of Oregon denied Persida Myers’s motion for a temporary restraining order and preliminary injunction against Deschutes County and its Board of County Commissioners. The court concluded that Myers had not clearly shown likely success on the merits, irreparable harm, or that the balance of equities and public interest favored injunctive relief in her challenge to a county land-use ordinance affecting residential facilities for individuals with disabilities.

CASE DETAILS

COURT	United States District Court for the District of Oregon, Eugene Division
WRITING FOR THE COURT	Michael J. McShane
JURISDICTION	United States District Court for the District of Oregon, Eugene Division
DECIDED	April 7, 2026
DOCKET	6:26-cv-00555-MC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a temporary restraining order and preliminary injunction in an action asserting claims under the Fair Housing Act, the Americans with Disabilities Act, the Fourteenth Amendment, the Fifth Amendment under 42 U.S.C. § 1983, and Oregon law.
STANDARD OF REVIEW	A party seeking a preliminary injunction must clearly show a likelihood of success on the merits, likely irreparable harm absent relief, that the balance of equities tips in the party's favor, and that an injunction is in the public interest. The standard for a temporary restraining order mirrors the preliminary-injunction standard.
PRECEDENTIAL VALUE	unpublished district court opinion; persuasive authority only

PARTIES

Persida Myers v. Deschutes County, Oregon, Board of County Commissioners of Deschutes County

TOPICS

injunctions

zoning

ada / disability

civil rights

civil procedure

PRACTICE AREAS

civil procedure

land use

civil rights

disability discrimination

constitutional law

QUESTIONS PRESENTED

1. Whether Myers established a likelihood of success on her Fair Housing Act, Americans with Disabilities Act, Fourteenth Amendment, Fifth Amendment, and Oregon-law claims sufficient to warrant preliminary injunctive relief.
2. Whether Myers demonstrated likely irreparable harm absent a temporary restraining order or preliminary injunction.
3. Whether the balance of equities and the public interest favored enjoining enforcement of the county ordinance.

HOLDINGS

1. Myers was not entitled to a temporary restraining order or preliminary injunction because she failed to make the required clear showing under the governing preliminary-injunction factors.
2. Myers did not make a clear showing that she was likely to succeed on her FHA, ADA, Fourteenth Amendment, Fifth Amendment, or Oregon-law claims.
3. Myers did not make a clear showing of likely irreparable harm because the principal injuries alleged were economic and could be addressed through compensatory damages, and alleged injuries to third parties did not establish harm to Myers herself.
4. The balance of equities and public interest did not favor preliminary injunctive relief.

KEY QUOTATIONS

“Likelihood of success on the merits is generally a threshold issue and Plaintiff has not made a clear showing here.” (Discussion, Part I)

“These economic harms do not justify a preliminary injunction.” (Discussion, Part II)

“Because the factors identified in Winter v. Nat. Res. Def. Council, Inc. do not weigh in favor of granting Plaintiff preliminary injunctive relief, especially a lack of irreparable harm, Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 2) is DENIED.” (Conclusion)

FACTUAL BACKGROUND

Myers co-owned a lot in the Sunriver Urban Unincorporated Community in Deschutes County, Oregon, and intended to convert an existing commercial structure into a licensed residential care facility for individuals with disabilities. When she acquired the property in 2016, the applicable zoning provisions allegedly permitted residential homes and residential facilities in the community-neighborhood zone. Deschutes County Ordinance No. 2024-008, effective January 7, 2025, amended the land-use code to prohibit those uses in the relevant zone, prompting Myers's statutory and constitutional claims and request for preliminary injunctive relief.

PROCEDURAL HISTORY

Myers filed suit challenging Deschutes County Ordinance No. 2024-008 and simultaneously moved to enjoin enforcement of the ordinance and restore prior land-use rules. The district court evaluated the motion under the preliminary-injunction standard and denied relief because Myers failed to establish likelihood of success on the merits, irreparable harm, or that the balance of equities and public interest favored an injunction.

DISPOSITION

other

CASES CITED

- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 22 (2008)
- City & County of San Francisco v. U.S. Citizenship & Immigration Services, 944 F.3d 773, 789 (9th Cir. 2019)
- Stormans, Inc. v. Selecky, 586 F.3d 1109, 1127 (9th Cir. 2009)
- New Motor Vehicle Board of California v. Orrin W. Fox Co., 434 U.S. 1345, 1347 n.2 (1977)
- Village of Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252, 263–64, 267 (1977)
- City of Cleburne v. Cleburne Living Center, 473 U.S. 432, 447–50 (1985)
- K-2 Ski Co. v. Head Ski Co., 467 F.2d 1087, 1089 (9th Cir. 1972)
- Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal, 546 U.S. 418, 429 (2006)
- Baird v. Bonta, 81 F.4th 1036, 1040 (9th Cir. 2023)
- Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073, 1085 (9th Cir. 2014)
- Sampson v. Murray, 415 U.S. 61, 90 (1974)
- Vaquería Tres Monjitas, Inc. v. Irizarry, 587 F.3d 464, 484–85 (1st Cir. 2009)
- Idaho v. Coeur d'Alene Tribe, 794 F.3d 1039, 1046 (9th Cir. 2015)
- L.A. Memorial Coliseum Commission v. National Football League, 634 F.2d 1197, 1202 (9th Cir. 1980)
- National Wildlife Federation v. National Marine Fisheries Service, 886 F.3d 803, 822 (9th Cir. 2018)
- FTC v. Affordable Media, LLC, 179 F.3d 1228, 1238 (9th Cir. 1999)
- Caribbean Marine Services Co. v. Baldrige, 844 F.2d 668, 674 (9th Cir. 1988)
- Garcia v. County of Alameda, 150 F.4th 1224, 1234 (9th Cir. 2025)
- League of Wilderness Defenders/Blue Mountains Biodiversity Project v. Connaughton, 752 F.3d 755, 766 (9th Cir. 2014)

- Maryland v. King, 567 U.S. 1301, 1303 (2012)
- Rodriguez v. Robbins, 715 F.3d 1127, 1146 (9th Cir. 2013)
- Valle del Sol Inc. v. Whiting, 732 F.3d 1006, 1029 (9th Cir. 2013)
- Rizzo v. Goode, 423 U.S. 362, 378 (1976)
- Stefanelli v. Minard, 342 U.S. 117, 120 (1951)
- Planned Parenthood Association of Utah v. Herbert, 828 F.3d 1245, 1266 (10th Cir. 2016)
- Buckholz v. Kelso Housing Authority, 781 F. Supp. 3d 1148, 1156 (W.D. Wash. 2025)

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