

No. 18-1961

Court of Appeals For the First Circuit

Rowley v. City of New Bedford, MA

MOTION FOR EXPEDITED APPEAL AND INJUNCTION

Filed by

Joyce Rowley, Plaintiff-Appellant, Pro Se

This motion is brought to the Court to expedite review of an appeal to an interlocutory order and for granting an injunction under Fed. R.App. Proc. 8(a)(1)(A)(ii).

I. Grounds for Expedition

Plaintiff-Appellant Joyce Rowley fears for the health and well-being of the subject of the appeal, Asian elephant Ruth kept at the Defendant-Appellee City's Buttonwood Park Zoo. In the year since the original preliminary injunction was filed with the district court,

Ruth lost over 70% of her right ear due to vasculitis, has suffered infections in her ear due to the environment in which she is kept (1:17-cv-11809-WGY, Dkt. 28-1, Affidavit Julia Allen).

In the past six months, Ruth began limping on her left rear leg, a dangerous condition for an elephant. The zoo records, which Rowley receives under the state Public Records Act MGL 66, show Ruth has been treated for abscesses on her feet and identify a shortened gait. However, the zoo records do not indicate a cause for the infections, nor for the injury to the left rear leg.

Plaintiff-Appellant Rowley seeks expedition as it is clear that Ruth has been further harmed by the Defendant-Appellee while waiting for this case to move forward.

II. Legal Argument

Ruth's case should be expedited because she is a living being, not a thing that can be shelved for months with no harm. Rowley asks that the Court treat this case with the same concern for timeliness

that it would if a human being were involved.

Rowley points to well-established case law in this Circuit on expedited appeals for child custody (*Charalambous v. Charalombous*, 627 F.3d 462 (2010)) and abortion rights (*Planned Parenthood League of Massachusetts v. Bellotti*, 641 F.2d 1006 (1981)). The Court in these cases recognized the importance of moving the appeal forward in the interest of serving justice.

For these reasons, Rowley seeks expedited review of the appeal and an emergency injunction to remove Ruth from the zoo.

Respectfully submitted,

/s/Joyce Rowley,
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CERTIFICATE OF SERVICE

This is to certify that this document has been served on the Defendant-Appellee's attorneys as follows: electronically to John Markey, and via U.S. mail to Kreg Espinola at 133 William Street, New Bedford, MA on this date.

/s/Joyce Rowley
Plaintiff-Appellee, pro se
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Dated: December 7, 2018