

SCANNED
DATE: 11/16/05
BY: [Signature]

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE
2005 NOV 16 P 2:38

U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES

V.

Cr. No.

99-10299-REK

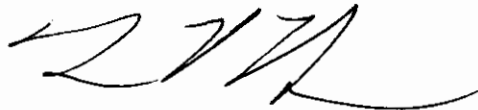
LEO WEIKERT, JR.

Motion for a Preliminary Injunction and Request for Hearing

Mr. Weikert, an individual on supervised release from the Bureau of Prisons for a non-violent offense, requests this Court restrain the Department of Probation from forcibly procuring a blood sample from Mr. Weikert. He requests a hearing on this matter.

For the reasons enumerated in the accompanying Memorandum of Law, Mr. Weikert respectfully asserts that the forced extraction of his blood and DNA absent a warrant, reasonable suspicion, or any individualized suspicion of Mr. Weikert, violates the 4th Amendment.

Submitted On Behalf of Petitioner,
Leo Weikert, Jr.
By His Attorney,



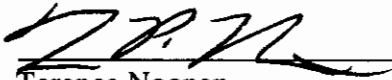
Terence Noonan
Noonan & Noonan
430 Hunnewell Street
Needham, MA 02492 (781) 455.8300
BBO# 648712

CERTIFICATE OF SERVICE
I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail on 11.16.05 [Signature]

Date: November 16, 2005

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that prior to November 16, 2005, counsel for Leo Weikert conferred with Mr. Weikert's Probation Officer, Mr. Frederick Lawton, relating to this issue and this motion.


Terence Noonan