

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
1/30/2023 8:00 AM  
BY ERIN L. LENNON  
CLERK

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

|                       |   |                                |
|-----------------------|---|--------------------------------|
| John Thomas Entler,   | } |                                |
| Petitioner,           | } | NO. 101392-2                   |
|                       | } | PETITIONER'S REPLY TO RESPONSE |
| vs.                   | } | TO MOTION FOR A TEMPORARY      |
|                       | } | INJUNCTION AND SUBJOINED       |
| Eric Jackson et. al., | } | PROOF OF SERVICE.              |
| Respondents.          | } |                                |

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COMES NOW Galhen Melchizedek (aka John T. Entler) and sub-  
mits the Petitioner's Reply to Response to motion for a Temporary  
Injunction, and Subjoined Proof of Service. Mr. Melchizedek's  
motion should be considered despite the technical reliance on  
RAP 8.3 under RAP 1.2(a). Additionally, Respondents have not  
alleged any prejudice resulting from error of relying on RAP  
8.3.

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I. REPLY.

A. THE COURT SHOULD RULE ON MR. MELCHIZEDEK'S MOTION  
DISPITE HIS RELIANCE ON RAP 8.3.

1.1 Although Mr. Melchizedek will concede that he may have erred in relying on RAP 8.3 for the court's authority to grant his motion, this court should never-the-less rule on the motion under RAP 1.2(a). In *Wash. Fed'n State Emps., Council 28, AFL-CEO v. State*, 99 Wn.2d 878, 888 n.5, 665 P.2d 1337 (1983), the court ruled that RAP 8.3 was not the proper procedure, that the case before it must be evaluated in light of injunctive relief under RCW 7.40.020. The court never-the-less considered whether to grant injunctive relief under RCW 7.40.020. *Id.* at 887-892 & n.5.

1.2 Because Mr. Melchizedek provides the correct analysis for determining whether injunctive under RCW 7.40.020 should be granted, and respondent's have not alleged any prejudice from Mr. Melchizedek's reliance on RAP 8.3, and in fact responded to Mr. Melchizedek's motion with argument, the court should never-the-less address Mr. Melchizedek's motion.

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B. MR. MELCHIZEDEK HAS ESTABLISHED A CLEAR LEGAL OR EQUITABLE RIGHT.

1.3 This Court should reject respondents' "conclusory" statements that Mr. Melchizedek has not shown a clear legal or equitable right without providing any argument as to how Mr. Melchizedek has failed to do that. See Response to Motion for a Temporary Injunction, at 6 (hereafter "Response"). Likewise, this Court should reject respondents' "conclusory" argument that Mr. Melchizedek provides no real evidence of reasonable fear of invasion, without any challenge to Dawn Taylor's declaration or why that declaration does not meet the evidence necessary. Finally, this Court should reject respondent's "conclusory" statement that Mr. Melchizedek has suffered actual or substantial injury.

C. MR. MELCHIZEDEK DOES NOT HAVE ANY OTHER PLAIN, COMPLETE, SPEEDY AND ADEQUATE REMEDY AT LAW AND ADDRESSING THE LIKELYHOOD OF SUCCESS IS NOT A RULING ON THE MERITS.

1.4 Respondents argue that Mr. Melchizedek is attempting to use the Appellate rules to obtain his final requested relief in this case through a "temporary injunction" under RAP 8.3, rather than through the required procedure of first obtaining review from this Court.

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and then successfully arguing that his case has merit. Response, at 6-7. However, this court is no longer considering this case under RAP 8.3, if it decides to grant this motion, rather under RCW 7.90.020. If this court grants review it could take 1 to 2 years before a ruling is made. Thus Mr. Melchizedek does not now have a plain, complete, speedy and adequate remedy at law.

1.5 Additionally, Respondents do not argue that the court, in the light of equity, would be granting injunctive relief in an unbalanced way contrary to the interests of the parties or the public's interests. Nor could they, Respondents already provide the accommodations Mr. Melchizedek seeks in the "non-religious context." See CP-169-170 §§ 4.15-4.19 (Plaintiff's motion for Preliminary Injunction in Trial court). Here, Respondents need only use the safety and security measures they use in the "non-religious context" to protect their interests and the public's interests in safety and security, in the "religious context."

1.6 This court in considering whether to grant an injunction is not making a determination or adjudicate the ultimate merits of the law suit. *Tyler Pipe Indus. v. State*, 96 Wn.2d 785, 793, 638 P.2d. 1213 (1982). So Respondents do not have a basis for concern of the circumventing of the consideration of the merits of the case

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one-way or another.

## II. CONCLUSION.

2.1 For the reason provided for in Mr. Melchizedek's motion, and the balance of the record, the Court should grant a temporary injunction pending review.

I declare under the penalty of perjury under the laws of the State of Washington that the above is true and correct.

Signed this 28th day of January, 2023

Signed: Galhen Melchizedek

Galhen Melchizedek, #964971

(aka John T. Entler) Pro Se

Monroe Correctional Complex

P.O. Box 888

Monroe, WA 98272

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III. PROOF OF SERVICE.

3.1 I declare under the penalty of perjury under the laws of the State of Washington that on the 28<sup>th</sup> day of January, 2023 that a copy of this motion was sent to:

Katherine Jay Faber

Vanessa James

Office of the Attorney General

P.O. Box 40116

Olympia, WA. 98504

by electronic filing at the Monroe Correctional Complex through the Prisoner Electronic Filing System.

Signed this 28<sup>th</sup> day of January, 2023

Signed: Galhen Melchizedek

Galhen melchizedek, #964471

(aka John T. Entler) Pro Se

Monroe Correctional Complex

P.O. Box 888

Monroe, WA. 98272

# INMATE

January 28, 2023 - 1:15 PM

## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 101,392-2  
**Appellate Court Case Title:** John Thomas Entler v. Eric Jackson, et al.  
**Superior Court Case Number:** 20-2-02541-9

DOC filing of MELCHIZEDEK Inmate DOC Number 964471

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