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Judge Denies Oakland's Request to Deny Pro-Life Pastor's Free Speech Rights

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Oakland, CA (LifeNews.com) -- A judge has denied a motion from officials with the City of Oakland to permanently prevent a pro-life pastor from presenting abortion alternatives to women outside an abortion center. Pastor Walter Hoye has been fighting with the city over the black minister's efforts to reach out to local women.

Hoye had appeared outside the Family Planning Specialists abortion center until the city council approved an ordinance that targets the free speech rights of pro-life advocates.

It places a "bubble zone" in place within eight feet of women entering any local abortion business.

Attorneys from the Life Legal Defense Foundation, a pro-life legal group, challenged the law in court as an unconstitutional infringement on the First Amendment rights of Hoye and other pro-life advocates.

After initially losing his case and spending weeks in prison, Hoye received a victory.

This week, Judge Stuart Hing denied the Alameda County District Attorney's motion for an injunction against him. Oakland officials had sought to permanently ban Hoye from going within 100 yards of the Family Planning Specialists abortion center.

In his five-page ruling, Judge Hing defended various legal rulings he made during Rev. Hoye's trial, but ultimately concluded that the court lacked jurisdiction to impose the injunction because Hoye's conviction and sentence are already on appeal.

Attorneys for Hoye said they don't know whether this ruling will finally put an end to the city's efforts to prevent him from offering help to women.

"These political prosecutions are quirky," LLDF-affiliated attorney Mike Millen told LifeNews.com on Thursday. "While the DA's office seems to be working overtime concocting ways to silence Mr. Hoye, there is a limit."

"It is not clear whether they are willing to spend many more tax dollars chasing a pro-lifer whom even escorts admit is a kind, gentle man," Millen said.

Millen, who also represents Hoye in the federal civil lawsuit challenging the constitutionality of the ordinance, said that a motion to stay enforcement of the ordinance pending appeal will be filed shortly.

Earlier this month, a federal court [upheld the law](#) as constitutional and set the stage for an appeal and a battle at the Ninth Circuit Appeals Court.

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