

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CHARLES EDWARD LINCOLN III

CASE NO. SACV 09-1072 DOC (Ex)

PLAINTIFF(S),

V.

ORDER DENYING EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER

STEVEN D. SILVERSTEIN, ET AL.

Defendant(s).

On September 16, 2009, this Court received Plaintiff Charles Edward Lincoln III's *Ex Parte* Application for a Temporary Restraining Order in conjunction with a Memorandum of Points and Authorities in Support Thereof.

Plaintiff's request for a TRO without notice to Defendants is hereby DENIED. Plaintiff has not met its burden of showing that immediate and irreparable injury will result to it if notice and an opportunity to be heard is given to the Defendants. The issuance of a temporary restraining order without notice is a very drastic remedy, and the Court will not issue a temporary restraining order without notice unless it is absolutely convinced that a plaintiff will suffer irreparable injury and dire consequences are certain to occur. Plaintiff's moving papers fall far short of convincing the Court of such injury and consequences.

1 The Court also notes that Plaintiff failed to comply with Local Rule 65-1, which requires all
2 parties seeking temporary restraining orders to file a proposed TRO and a proposed order to show
3 cause why a preliminary injunction should not issue.

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5 IT IS SO ORDERED

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7 DATED: September 17, 2009



8 DAVID O. CARTER
9 United States District Judge

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