

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

U.S. COMMODITY FUTURES	)	
TRADING COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:15-CV-538-WKW
	)	(WO)
DINAR CORP, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION AND ORDER**

Before the court is the motion (Doc. # 34) filed by Defendants Husam Tayeh, Dinar Corp., Inc., and My Monex, Inc., a Nevada corporation (“Monex Nevada”) to continue the Statutory Restraining Order in force for an additional ten days. Plaintiff does not oppose the motion. (Doc. # 40.)

The Statutory Restraining Order (Doc. # 8) entered at 4:08 p.m. on July 27, 2015, is currently set to expire at 4:08 p.m. on August 24, 2015. (Doc. # 19.) Federal Rule of Civil Procedure 65(b)(2) provides that a temporary restraining order may operate for longer than a period of twenty-eight days if the adverse party consents. Fed. R. Civ. P. 65(b)(2); *Fernandez-Roque v. Smith*, 671 F.2d 426, 429-30 (11th Cir. 1982). Because Defendants have consented to the extension of the

statutory restraining order, the court finds that the motion is due to be granted as to Defendants.

However, the court will not extend the Statutory Restraining Order as to Relief Defendants because Relief Defendants have not consented to the extension of the Statutory Restraining Order. Fed. R. Civ. P. 65(b)(2) (“The [temporary restraining] order expires at the time after entry--not to exceed 14 days--that the court sets, unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension.”). Further, Plaintiff has agreed that an extension of the TRO as to the Relief Defendants is not necessary. (Doc. # 42.)

Accordingly, it is ORDERED that

1. The motion to continue the Statutory Restraining Order (Doc. # 34) is GRANTED in part as to the request that the Statutory Restraining Order be extended as to Defendants, but DENIED in part as to the request that the Statutory Restraining Order be extended as to Relief Defendants;
2. The duration of the Statutory Restraining Order (Doc. # 8), which was previously set to expire on August 24, 2015, is **EXTENDED** as to Defendants and the Statutory Restraining Order (Doc. # 8) shall remain in force and effect **as to Defendants Husam Tayeh, Dinar**

**Corp., Inc., and Monex Nevada, until 4:08 p.m. on September 3, 2015;**

3. The deadline for Defendants Husam Tayeh, Dinar Corp., Inc., and Monex Nevada to SHOW CAUSE why Plaintiff's separately filed Motion for Preliminary Injunction (Doc. # 3) should not be granted, and to file their response(s), including all counter or opposing affidavits and a memorandum of legal authority, previously set for August 18, 2015, is EXTENDED to and including **August 28, 2015;** and
4. A preliminary injunction hearing on Plaintiff's separately filed Motion for Preliminary Injunction (Doc. # 3) is SET for **September 3, 2015, at 10:00 a.m.,** in courtroom 2-B of the Frank M. Johnson, Jr. U.S. Courthouse, in Montgomery, Alabama. The hearing will be held on whether the Statutory Restraining Order will be converted to a preliminary injunction **as to Defendants Husam Tayeh, Dinar Corp., Inc., and Monex Nevada.** Counsel shall appear in person, and telephonic appearances will not be permitted.

Plaintiff is DIRECTED to serve Relief Defendants promptly with a copy of this Order.

The Clerk of the Court is DIRECTED to provide a court reporter for the hearing.

DONE this 21st day of August, 2015.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE