

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

FEDERICK J. and EDGAR B. )  
WILLIAMS )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
KENNETH GROVES, *et al.*, )  
 )  
Defendants. )

2:08 cv 943 - MEF  
CASE NO. ~~2:08-CV-48-MEF~~

**MEMORANDUM OPINION AND ORDER**

On December 1, 2008, Plaintiffs initiated this lawsuit by filing a Complaint (Doc. # 1). Plaintiffs seek a temporary restraining order prohibiting Defendants from continuing construction on the sewages, streets, sidewalks, and lighting in the city of Montgomery and Montgomery County. This Court now addresses Plaintiffs' request for a temporary restraining order.

Federal Rule of Civil Procedure 65 sets forth the applicable restrictions on this Court's ability to grant a temporary restraining order. For example, it is clear from the text of Rule 65(b) that a temporary restraining order may not be granted without notice to the adverse parties or their attorneys unless

(1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or that a party's attorney can be heard in opposition, *and* (2) *the applicant's attorney certifies to the court in writing the efforts, if any, which have been made to give the notice and the reasons*

*supporting the claim that notice should not be required.*

Fed. R. Civ. P. 65(b) (emphasis added). The Court finds that Plaintiffs have failed to satisfy the requirements of Federal Rule of Civil Procedure 65(b)(2). Nowhere in Plaintiffs' submissions to this Court do Plaintiffs certify in writing the efforts, if any, which have been made to give written or oral notice of this lawsuit or of this application for a temporary restraining order to the adverse parties or their attorneys. Moreover, Plaintiffs do not explicitly claim that such notice should not be required; nor do they provide any reasons why such notice should not be required. Accordingly, the Plaintiffs' request for a temporary restraining order in their Application for a Temporary Restraining Order or for Declaratory and Injunctive Relief (Doc. # 1) is due to be and hereby is DENIED.

DONE this the day of December 1, 2008

  
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CHIEF UNITED STATES DISTRICT JUDGE