

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

RAMON ROGELIO INNIS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:17-CV-188-WKW
)	(WO)
KARLA WALKER JONES, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the court is Plaintiff Ramon Rogelio Innis's motion for temporary restraining order. Upon consideration of the motion, it is ORDERED that the motion for temporary restraining order (Doc. # 1) is DENIED without prejudice for failure to comply with the procedural requirements of Rule 65(b)(1) of the Federal Rules of Civil Procedure, which provides:

(b) Temporary Restraining Order:

(1) Issuing Without Notice. The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if:

(A) *specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition;* and

(B) the [movant] certifies in writing any efforts made to give notice and the reasons why it should not be required.

Fed. R. Civ. P. 65(b)(1) (emphasis added).

Specifically, although the evidence submitted by Plaintiff Innis reasonably supports the conclusion that he is in need of medical treatment soon, his evidence does not clearly show that the ongoing lack of medical care is causing or will cause immediate and irreparable injury if relief is not granted before the adverse parties can be heard in opposition.

It is ORDERED that this case, including the motion for a preliminary injunction (Doc. # 1), is REFERRED back to the Magistrate Judge for consideration and disposition or recommendation on all pretrial matters as may be appropriate.

DONE this 30th day of March, 2017.

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