

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

LEWIS MITCHELL,)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO.: 11-00687-KD-M
)	
ROBERT BENTLEY, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on *sua sponte* reconsideration of its February 16, 2012 Order (Doc. 11) concerning “Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction and Memorandum in Support” (Doc. 10).

Plaintiff seeks entry of a temporary restraining order and preliminary injunction against the Probate Court and/or counsel for Ms. Parker, to prevent disbursement of the proceeds from a state court action to Ms. Parker. As a general rule, a court may not enter an injunction against persons who are not parties to the case before it. Scott v. Donald, 165 U.S. 107, 117 (1897). Courts have distinguished between entering an injunction against a non-party, which is forbidden, and holding a non-party in contempt for aiding and abetting in the violation of an injunction that has been entered against a party, which is permitted. Additive Controls & Management Systems Inc. v. Flodata Inc., 96 F.3d 1390, 1395 (Fed. Cir. 1996); see also e.g., Infant Formula Antitrust Litig., MDL 878 v. Abbott Labs., 72 F.3d 842, 842-843 (11th Cir. 1995) (affirming denial of motion for preliminary injunctive relief against non-parties for lack of subject matter jurisdiction)); Shaw v. Dodson, Slip Copy, 2011 WL 773443, *2 (S.D. Ga. Feb. 28, 2011) (noting that the court had denied the original motion for a temporary restraining order because the Court “has no jurisdiction to issue an Order against persons who are not parties to this case[.]”).

Having **RECONSIDERED** the February 16, 2012 Order (Doc. 11), it is hereby **ORDERED** that Doc. 11 is **RESCINDED**; Plaintiff's motion (Doc. 10) is **DENIED**; and the February 28, 2012 hearing (as well as briefing related to same) is **CANCELED**.

DONE and **ORDERED** this the 17th day of **February 2012**.

/s/ Kristi K. DuBose _____
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE