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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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12 Richard Steven Riess,

13 Plaintiff,

14 vs.

15 Joseph M. Arpaio, et al.,

16 Defendants.

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No. CV 10-1331-PHX-RCB (ECV)

ORDER

18 Plaintiff Richard Steven Riess, who is confined in the Durango Jail in Phoenix,
19 Arizona, filed a *pro se* motion for leave to exceed the page limit for his lodged Complaint,
20 which he brought pursuant to 42 U.S.C. § 1983. (Doc. 1, 2.) In an Order filed July 27, 2010,
21 the Court denied Plaintiff’s motion with leave to file a complaint that substantially complies
22 with Instructions within 30 days. (Doc. 7.) Pending is Plaintiff’s *ex parte* motion for
23 preliminary injunction to require that he be provided with a different kosher diet than he is
24 currently receiving. (Doc. 6.)

25 To obtain a preliminary injunction, the moving party must show “that he is likely to
26 succeed on the merits, that he is likely to suffer irreparable harm in the absence of
27 preliminary relief, that the balance of equities tips in his favor, and that an injunction is in
28 the public interest.” Winter v. Natural Res. Def. Council, Inc., 129 S. Ct. 365, 374 (2008);

1 Am. Trucking Assoc., Inc. v. City of Los Angeles, 559 F.3d 1046, 1052 (9th Cir. 2009). The
2 moving party has the burden of proof on each element of the test. Environmental Council
3 of Sacramento v. Slater, 184 F. Supp. 2d 1016, 1027 (E.D. Cal. 2000). “No preliminary
4 injunction shall be issued without notice to the adverse party.” Fed.R.Civ. P. 65(a)(1).

5 At this juncture, a complaint has not been filed, screened, or ordered served on any
6 Defendant. The Court will deny Plaintiff’s *ex parte* motion without prejudice to filing a new
7 motion after a complaint has been filed, screened, and ordered served.

8 **Warnings**

9 **A. Release**

10 Plaintiff must pay the unpaid balance of the filing fee within 120 days of his release.
11 Also, within 30 days of his release, he must either (1) notify the Court that he intends to pay
12 the balance or (2) show good cause, in writing, why he cannot. Failure to comply may result
13 in dismissal of this action.

14 **B. Address Changes**

15 Plaintiff must file and serve a notice of a change of address in accordance with Rule
16 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
17 relief with a notice of change of address. Failure to comply may result in dismissal of this
18 action.

19 **C. Copies**

20 Plaintiff must submit an additional copy of every filing for use by the Court. See
21 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice
22 to Plaintiff.

23 **D. Possible Dismissal**


24 If Plaintiff fails to timely comply with every provision of this Order, including these
25 warnings, the Court may dismiss this action without further notice. See Ferdik, 963 F.2d at
26 1260-61 (a district court may dismiss an action for failure to comply with any order of the
27 Court).

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IT IS ORDERED that Plaintiff's *ex parte* motion for a preliminary injunction is **denied.** (Doc. 6.)

DATED this 2nd day of August, 2010.



Robert C. Broomfield
Senior United States District Judge