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**SC**

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

Christopher Stoller,  
  
Plaintiff,

vs.

Bank of New York Mellon Trust  
Company, et al.,  
  
Defendants.

No. CV 11-01105-GMS-JRI

**ORDER**

Plaintiff Christopher Stoller, who is confined in the Lake County Adult Corrections Facility, in Waukegan, Illinois, filed a *pro se* Complaint asserting fraud claims and violations of his constitutional rights under 42 U.S.C. § 1983 with a *pro se* motion to proceed *in forma pauperis*. (Doc. 1.) In an Order filed on July 25, 2011, this Court denied Plaintiff's *in forma pauperis* motion with leave to file a new *in forma pauperis* application within 30 days using this District's required form. (Doc. 9.) The Clerk of Court mailed Plaintiff the court-approved form. (Id.) On August 3, 2011, Plaintiff filed a motion for a temporary restraining

1 order.<sup>1</sup> (Doc. 10.) Plaintiff's motion will be denied.

2 "No preliminary injunction shall be issued without notice to the adverse party."  
3 Fed.R.Civ. P. 65(a)(1). Further, a temporary restraining order without notice may be granted  
4 *only* if the applicant certifies to the court in writing the efforts, if any, that he made to give  
5 notice and the reasons that notice should not be required. Fed.R.Civ.P. 65(b).

6 Plaintiff's motion does not reflect service on the Defendants nor does he certify in  
7 writing the efforts he made to give notice to any Defendant or reasons why such notice  
8 should not be required. Moreover, at this juncture, Plaintiff has neither paid the \$350.00  
9 filing fee nor filled the court-approved form for a prisoner to seek leave to proceed *in forma*  
10 *pauperis*. If and when Plaintiff does so, the Court will screen Plaintiff's Complaint pursuant  
11 to 28 U.S.C. §1915(e)(2) to assess whether Plaintiff has stated a claim and, if so, order  
12 service on the Defendants. Plaintiff's motion for injunctive relief will be denied.

13 **Warnings**

14 **A. 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 **B. 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 **C. Possible Dismissal**

24 If Plaintiff fails to timely comply with every provision of this Order, including these  
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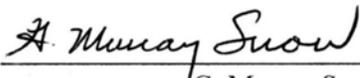
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27 <sup>1</sup> Plaintiff also filed a notice of interlocutory appeal concerning the denial of his *in*  
28 *forma pauperis* motion and a motion for leave to appeal *in forma pauperis*. (Doc. 11, 12.)  
The latter was denied by separate order. (Doc. 16.)

1 warnings, the Court may dismiss this action without further notice. See Ferdik v. Bonzelet,  
2 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to  
3 comply with any order of the Court).

4 **IT IS ORDERED** that Plaintiff's motion for injunctive relief is **denied**. (Doc. 10.)

5 DATED this 5th day of August, 2011.

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9 G. Murray Snow  
10 United States District Judge  
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