

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JASON PHILLIPS

PLAINTIFF

v.

NO. 4:11CV00776 JLH

OIL PATCH WATER & SEWER SERVICES, LLC;
and OIL PATCH RENTAL SERVICES, INC.

DEFENDANTS

ORDER

Jason Phillips has filed a motion for temporary restraining order preliminary injunction. He alleges that the defendants retaliated against him for filing this lawsuit.

Rule 65(b) of the Federal Rules of Civil Procedure provides, in pertinent part:

(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's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

The motion for temporary restraining order does not include a certification by Phillips' attorney as to any efforts made to give notice and the reasons why notice should not be required. Therefore, the Court will not grant a temporary restraining order at this time. When notice is given to the defendants and they have had an opportunity to respond, the Court will consider whether a hearing on the motion for a preliminary injunction may be needed.

For the reasons stated, the motion for temporary restraining order is DENIED. Document #3. The motion for preliminary injunction is held in abeyance until the defendants are given notice and an opportunity to be heard. Document #3.

IT IS SO ORDERED this 7th day of November, 2011.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a horizontal line underneath it.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE