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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOYCE MURRELL,

Plaintiff,

v.

WALTER THEILER, et al.,

Defendants.

No. 2:09-cv-00234-MCE-KJM-PS

ORDER

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Plaintiff, proceeding pro se, has filed in this Court Motions styled "Request (Emergency Motion) for Pre-Judgment Recover of Embezzled Funds and Execution on Swiss Judgment" and "Request (Emergency Motion) for Recovery of Unlawful Seizure of Home, Assets and Property." By way of these Motions, Plaintiff appears to seek either a Temporary Restraining Order or a Preliminary Injunction. Because the record is devoid of evidence indicating Plaintiff has attempted to provide Defendants with either formal or informal notice, her Motions are denied without prejudice.


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1 Plaintiff has not yet served any Defendants, and there is no
2 evidence in the record that she has even attempted to provide
3 them notice of either the instant action or her currently filed
4 Motions. Pursuant to Federal Rule of Civil Procedure 65, "[t]he
5 Court may issue a preliminary injunction only on notice to the
6 adverse party." Fed. R. Civ. P. 65(a)(1). "The court may issue
7 a temporary restraining order without written or oral notice to
8 the adverse party or its attorney only if: (A) specific facts in
9 an affidavit or a verified complaint clearly show that immediate
10 and irreparable injury, loss, or damage will result to the movant
11 before the adverse party can be heard in opposition; and (B) the
12 movant's attorney certifies in writing any efforts made to give
13 notice and the reasons why it should not be required." Fed. R.
14 Civ. P. 64(b); see also Local Rule 65-231(a) ("Except in the most
15 extraordinary of circumstances, no temporary restraining order
16 shall be granted in the absence of actual notice to the affected
17 party and/or counsel, by telephone or other means, or a
18 sufficient showing of efforts made to provide notice."). Because
19 Plaintiff has not documented any attempts made to provide
20 Defendants with the requisite notice, Plaintiff's instant Motions
21 are DENIED without prejudice.

22 IT IS SO ORDERED.

23 Dated: March 24, 2009

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27 MORRISON C. ENGLAND, JR.
28 UNITED STATES DISTRICT JUDGE