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13 **UNITED STATES DISTRICT COURT**  
14 **EASTERN DISTRICT OF CALIFORNIA**  
15 **FRESNO DIVISION**

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18 THE DELTA SMELT  
19 CONSOLIDATED CASES

20 )  
21 ) Case No. 09-cv-407 OWW DLB  
22 )  
23 ) **Order Denying Without Prejudice**  
24 ) **Plaintiff Family Farm Alliance’s Motion**  
25 ) **for Temporary Restraining Order**  
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27 )  
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17 Before the Court is the Plaintiff Family Farm Alliance’s (the “Alliance”) Motion for a  
18 Temporary Restraining Order (Docket No. 614). The Court has considered the motion and  
19 memorandum in support thereof, the Federal Defendants’ and Defendant-Intervenors’ briefs in  
20 opposition thereto, and the arguments of the parties at the March 16, 2010 hearing. The Court  
21 finds that the Motion is untimely under Local Rule 65-231(b) and that the Alliance has not met  
22 its burden to demonstrate that it is likely to succeed on the merits due to changed operational  
23 conditions.  
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