1	Submitted by:
2	IGNACIA S. MORENO, Assistant Attorney General
United States Department of Justice Environment & Natural Resources Division	United States Department of Justice Environment & Natural Resources Division
4	JEAN E. WILLIAMS, Section Chief
5	ETHAN CARSON EDDY, Trial Attorney (Cal. Bar No. 237214) Wildlife and Marine Resources Section
6	Benjamin Franklin Station, P.O. Box 7369 Washington, D.C. 20044-7369
7	Telephone: (202) 305-0202 / Facsimile: (202) 305-0275
8	Attorneys for Federal Defendants
9	UNITED STATES DISTRICT COURT
10	EASTERN DISTRICT OF CALIFORNIA FRESNO DIVISION
11	TRESIVO DI VISIOIV
12) Case No. 09-cv-407 OWW DLB
13	THE DELTA SMELT) CONSOLIDATED CASES) Order Denying Without Prejudice
14) Plaintiff Family Farm Alliance's Motion
15) for Temporary Restraining Order)
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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
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23	its burden to demonstrate that it is likely to succeed on the merits due to changed operational
24	conditions.
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1	The Court therefore ORDERS that the motion be DENIED WITHOUT PREJUDICE .
2	If the Alliance seeks to pursue preliminary injunctive relief, it must do so by way of a noticed
3	motion pursuant to, and subject to the timetables set forth in, the Federal Rules of Civil
4	Procedure and the Local Rules of this Court, unless the appropriate evidentiary showing can be
5	made to justify a departure from those rules.
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7	IT IS SO ORDERED.
8	Dated: April 30, 2010 /s/ Oliver W. Wanger
9	UNITED STATES DISTRICT JUDGE
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