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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

**ROBERT E DOWD,**  
  
**Plaintiff,**  
  
**v.**  
**COUNTY OF KERN, et al.,**  
  
**Defendants.**

**1:12-CV-01063-LJO-JLT**  
  
**ORDER DENYING MOTION FOR  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION  
(DOC. 3)**

Before the Court for decision is Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction. Doc. 3. In order to secure injunctive relief prior to a full adjudication on the merits, a plaintiff must show “that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Natural Resources Defense Council, Inc.*, 129 S.Ct. 365, 374 (2008). Because Plaintiff’s Complaint has been dismissed in its entirety for failure to state a claim upon which relief can be granted, Doc. 4, Plaintiff cannot show he is likely to succeed on the merits.

Accordingly, Plaintiff’s Motion for a Temporary Restraining Order and Preliminary Injunction, Doc. 3, is DENIED.

**SO ORDERED**  
**Dated: July 30, 2012**

/s/ Lawrence J. O’Neill  
**United States District Judge**