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

DARYL STINCHFIELD,  
Plaintiff,

CIV-S-06-2405 DFL/DAD

v.

ORDER

UNION PACIFIC RAILROAD COMPANY,  
Defendant.

Daryl Stinchfield filed a motion for a temporary restraining order to prevent Union Pacific Railroad Company ("Union Pacific") from taking disciplinary action against him. The Court, after reviewing the motion and the opposition, finds that oral argument would not be of assistance. It is apparent from the opposition that this is not an emergency matter justifying extraordinary relief. Moreover, plaintiff has failed to show either a likelihood of success on the merits of the underlying disciplinary dispute or that disciplinary action by Union Pacific would result in irreparable injury. For these reasons, the court DENIES the motion for a temporary restraining order.

IT IS SO ORDERED.

Dated: November 3, 2006.

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/s/ David F. Levi  
DAVID F. LEVI  
United States District Judge