

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

MULTI DENOMINATIONAL MINISTRY OF CANNABIS AND RASTAFARI, INC, et al, No C-06-4264 VRW
ORDER

Plaintiffs,

v

ALBERTO GONZALES, et al,

Defendants.

On July 12, 2006, plaintiffs sued seeking, inter alia, declaratory and injunctive relief to prevent defendants from interfering with the exercise of plaintiffs' religion, which centers around the use of marijuana. That same day, plaintiffs filed ex parte motions "for immediate in camera hearing" and "for preliminary and permanent injunction." Doc #1.

Plaintiffs still have not clearly articulated the imminent threat they face that could justify a temporary restraining order or a preliminary injunction. See Doc ##1-12, 19. Rather, plaintiffs simply assume the government will act against them based on the government's past conduct and its refusal to assure them that it will refrain from such action in the future. Doc #17 at 15. Additionally, Lake County Sheriff Rodney K Mitchell

1 has affirmed under oath that he has "no information that any of the
2 plaintiffs are presently engaging in any practice which violates
3 state or local law" and that he has "no present plan to take any
4 action to investigate the activities of any of the plaintiffs and
5 [has] not been asked to participate in any investigation conducted
6 by any other law enforcement agency." Doc #18, Ex A. Based on
7 this record, the court cannot conclude that plaintiffs' face an
8 imminent harm that could justify injunctive relief.

9 Accordingly, the court DENIES plaintiffs' application for
10 a temporary restraining order (Doc #1) for lack of showing of
11 irreparable injury/balance of hardships. The parties should be
12 ready to discuss status and trial setting at the initial case
13 management conference scheduled for October 10, 2006, at 9:00 AM.

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15 IT IS SO ORDERED.

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18 VAUGHN R WALKER

19 United States District Chief Judge
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