

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

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 4
 5 RALBERT BROOKS-HAMILTON,

6 Plaintiff,

7 v.

8 CITY OF OAKLAND, et al.,

9 Defendants.

NO. C06-6534 TEH

ORDER DENYING PLAINTIFF'S
EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER

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 11 Plaintiff Ralbert Brooks-Hamilton filed this action today, October 19, 2006,
 12 simultaneously with a "Notice of Motion and Motion for Preliminary and Permanent
 13 Injunction." Although Plaintiff's "Notice" contains no hearing date or time, Plaintiff orally
 14 requested at the time of filing that the Court place this matter for hearing on its calendar for
 15 tomorrow, October 20, 2006. The Court therefore construes Plaintiff's motion and oral
 16 request as an ex parte application for a temporary restraining order pursuant to Federal Rule
 17 of Civil Procedure 65(b). Having carefully considered the papers submitted in support of
 18 Plaintiff's application, the Court now rules as follows:

19 A temporary restraining order may issue without notice to the adverse party only if
 20 "(1) it clearly appears from specific facts shown by affidavit or by the verified complaint that
 21 immediate and irreparable injury, loss, or damage will result to the applicant before the
 22 adverse party or that party's attorney can be heard in opposition, and (2) the applicant's
 23 attorney certifies to the court in writing the efforts, if any, which have been made to give the
 24 notice and the reasons supporting the claim that notice should not be required." Fed. R. Civ.
 25 P. 65(b). Plaintiff has failed to satisfy either requirement. The complaint is not verified, and,
 26 with respect to the imminence of irreparable harm, Plaintiff's declaration states only that
 27 Defendant City of Oakland attempted to sell his home "[o]n or about August 24, 2006."
 28 Brooks-Hamilton Decl. ¶ 7. Plaintiff fails to explain why immediate and irreparable injury

