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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
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5
6 FREDERICK SCHIFF,
7

8 Plaintiff,

No. C 10-1051 PJH

9 v.

**ORDER DENYING APPLICATION FOR
TEMPORARY RESTRAINING ORDER**

10 THERESA BARRETT, et al.,

11 Defendants.
_____ /

12 On September 25, 2008, plaintiff Frederick Schiff, a Sergeant with the San Francisco
13 Police Department, was ordered by San Francisco Police Deputy Chief Kevin Cashman to
14 refrain from any contact with Linda Yoakum. Plaintiff now seeks an temporary restraining
15 order prohibiting defendant City and County of San Francisco from disciplining or
16 “retaliating” against him for participating in a meeting with his attorney and Ms. Yoakum,
17 whom he describes as a “trial witness.”

18 Requests for temporary restraining orders are governed by the same general
19 standards that govern the issuance of a preliminary injunction. See New Motor Vehicle Bd.
20 v. Orrin W. Fox Co., 434 U.S. 1345, 1347 n.2 (1977); Stuhlberg Int’l Sales Co., Inc. v. John
21 D. Brush & Co., Inc., 240 F.3d 832, 839 n. 7 (9th Cir. 2001).

22 An injunction is a matter of equitable discretion” and is “an extraordinary remedy that
23 may only be awarded upon a clear showing that the plaintiff is entitled to such relief.”
24 Winter v. Natural Resources Defense Council, Inc., 129 S.Ct. 365, 376, 381 (2008). A
25 plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the
26 merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that
27 the balance of equities tips in his favor, and that an injunction is in the public interest. Id. at
28 374.

1 Alternatively, the plaintiff may demonstrate that serious questions going to the merits
2 were raised and that the balance of hardships tips sharply in the plaintiff's favor," "so long
3 as the plaintiff also shows that there is a likelihood of irreparable injury and that the
4 injunction is in the public interest." Alliance for Wild Rockies v. Cottrell, __ F.3d __, 2011
5 WL 208360 at *7 (9th Cir., Jan. 25, 2011). A "serious question" is one on which the plaintiff
6 "has a fair chance of success on the merits." Sierra On-Line, Inc. v. Phoenix Software,
7 Inc., 739 F.2d 1415, 1421 (9th Cir. 1984).

8 Here, plaintiff has neither cited the appropriate standard, nor made the showing
9 required under that standard. Accordingly, the motion is DENIED.

10 The docket reflects that the parties have, with some frequency, written letters which
11 were then posted on the court's electronic docket, in lieu of filing formal motions or requests
12 for administrative relief as permitted by the local rules. The court takes this opportunity to
13 advise the parties that it will no longer permit the filing of unsolicited letters to the court.

14 Moreover, the last letter exchange, prompted by plaintiff's filing of an application for
15 a temporary restraining order, reflects a lack of understanding about what an ex parte filing
16 is. Ex parte means without notice to the other party. According to plaintiff's letter, he did
17 not seek to avoid notice to defendants, and claims to have given notice. It appears to the
18 court that what plaintiff actually sought was expedited – not ex parte – consideration.
19 Plaintiff's counsel is directed to Civil Local Rule 7 for directions as to the types of motions
20 that may be filed in this court.

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22 **IT IS SO ORDERED.**

23 Dated: February 15, 2011

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PHYLLIS J. HAMILTON
United States District Judge

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