

1 clearly appears from specific facts shown by affidavit or by the verified complaint that immediate
2 and irreparable injury, loss, or damage will result to the applicant before the adverse party or that
3 party's attorney can be heard in opposition, and (2) the applicant's attorney certifies to the court
4 in writing the efforts, if any, which have been made to give the notice and the reasons supporting
5 the claim that notice should not be required." Fed. R. Civ. P. 65(b). Moreover, in this district an
6 applicant for TRO must give notice to the adverse party "[u]nless relieved by order of a Judge for
7 good cause shown." Civ. L.R. 65-1(b).

8 Plaintiff has not provided an declaration of counsel explaining why no notice of the
9 application for TRO was given to Defendants, and has not obtained an order from this Court
10 relieving Plaintiff from the notice requirement. Accordingly, Plaintiff's application for TRO is
11 DENIED WITHOUT PREJUDICE.

12 IT IS SO ORDERED.

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14 DATED: 10/18/06

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17 JEREMY FOGEL
18 United States District Judge
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1 This Order was served on the following persons:

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3 Counsel for Plaintiff:

4 Paul W. Moncrief
5 Johnson and Moncrief, PLC
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7 Salinas, CA 93901

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