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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Stanley G. Hilton, et al.,

NO. C 09-01626 JW

Plaintiffs,

**ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING AND
PRELIMINARY INJUNCTION ORDER**

v.

Barack Obama, et al.,

Defendants.

On April 14, 2009, Plaintiff Stanley G. Hilton on behalf of himself and the “taxpayers of the United States of America,” filed a Complaint for, *inter alia*, declaratory and injunctive relief against President Obama and Secretary of the Treasury of the United States. Plaintiff seeks a temporary and preliminary injunction to enjoin the President and the Secretary from further using the TARP funds toward corporate bailouts. (See Complaint, Docket Item No. 1.) Although it is unclear as to whether Plaintiff is seeking immediate relief by a way of a temporary restraining order (“TRO”) and preliminary injunction, the Court addresses these prayers of relief to advance the case.

A temporary restraining order may be issued if the plaintiff has established: (1) a likelihood of success on the merits and the possibility of immediate irreparable injury, or (2) the existence of serious questions going to the merits and that the balance of hardships tips heavily in its favor. See Metro Publ’g, Ltd. v. San Jose Mercury News, 987 F.2d 637, 639 (9th Cir. 1993).

Upon review of Plaintiff’s demands, the Court finds that there is little, if any, likelihood of success on the merits. In fact, the Court finds that Plaintiff claims are frivolous and meritless in light of the Federal Tort Claims Act. Accordingly, the Court DENIES Plaintiff’s demand for a

1 temporary and preliminary injunction order. However, since Plaintiff has paid his filing fees, the
2 Court will not *sua sponte* dismiss this case. Thus, Plaintiff shall properly serve Defendants pursuant
3 to Rule 4(m) of Fed. R. Civ. P.

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Dated: April 16, 2009



JAMES WARE
United States District Judge

