

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 06-cv-01236-MSK-BNB

ADAM MAYO, on behalf of himself and all others similarly situated; and
WILLIAM RANDELL, III, on behalf of himself and all others similarly situated,

Plaintiffs,

v.

UNITED STATES FOREST OFFICER FNU KROGSTEL, in his official capacity;
UNITED STATES FOREST OFFICER FNU LAMPE, in his official capacity;
UNITED STATES FOREST OFFICER FNU BARTON, in his official capacity;
UNITED STATES FOREST OFFICER FNU FREUND, shield # 1662, in his official capacity;
JOHN AND JANE DOE, UNKNOWN MEMBERS OF THE UNITED STATES FOREST
SERVICE, in their official capacities;
JOHN AND JANE DOE, UNKNOWN MEMBERS OF THE UNITED STATES MARSHAL
SERVICE, in their official capacities; and
UNITED STATES MAGISTRATE JUDGE DAVID WEST, in his official capacity,

Defendants.

ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER

THIS MATTER comes before the Court pursuant to the Plaintiffs' Motion for
Temporary Restraining Order (# 2).

Fed. R. Civ. P. 65(b)(1) provides that a temporary restraining order may be granted "only if it clearly appears from specific facts shown by affidavit or by the verified complaint" that relief is appropriate. The motion here is not supported by an affidavit, and the Complaint (# 1) is not verified. Moreover, Fed. R. Civ. P. 65(b)(2) requires that the applicant's attorney certify to the Court the efforts, if any, that have been made to give notice to the opposing party or that party's attorney, and the reasons why such notice should not be required. No such certification is made here.

Accordingly, the Motion for Temporary Restraining Order (# 2) is **DENIED**.

Dated this 28th day of June, 2006

BY THE COURT:

A handwritten signature in black ink, reading "Marcia S. Krieger", is positioned above a horizontal line.

Marcia S. Krieger
United States District Judge