

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 12-cv-02034-WJM

ALFONSO A. CARRILLO, et al.,

Plaintiffs,

v.

THE HONORABLE COLORADO GOVERNOR
JOHN W. HICKENLOOPER, et al.,

Defendants.

ORDER

This matter comes before the Court on plaintiffs' motions for temporary restraining order and preliminary injunction [Docket Nos. 3, 4].¹ All plaintiffs appear pro se. The Court therefore construes the motions liberally. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).²

Plaintiffs request a preliminary injunction pursuant to Fed. R. Civ. P. 65(a) and temporary restraining order pursuant to Fed. R. Civ. P. 65(b) against all defendants preventing them from proceeding with certain ongoing and threatened criminal prosecutions. Even assuming *arguendo* that plaintiffs have articulated facts and a legal

¹This case is assigned to William J. Martinez, United States District Judge. Based on Judge Martinez's unavailability and the nature of this motion, the motion was assigned to the undersigned via random draw.

²The Court notes that many of the plaintiffs have asserted related claims in other cases in this District. See Civil Action Nos. 11-cv-02975-WJM-KLM, 12-cv-00003-WJM-MEH, 12-cv-01385-WJM-MEH.

basis supporting their claims,³ they have not identified “specific facts in an affidavit or a verified complaint clearly show[ing] that immediate and irreparable injury, loss, or damage will result to the movant *before the adverse party can be heard in opposition.*” Fed. R. Civ. P. 65(b)(1)(A) (emphasis added). There are no allegations regarding any actions plaintiffs seek to take or that they expect defendants to take prior to the time required to fully brief the motion. Therefore, the request for a temporary restraining order will be denied and the motions will be resolved solely pursuant to Fed. R. Civ. P. 65(a).

For the foregoing reasons, it is

ORDERED that, to the extent plaintiffs’ motions for temporary restraining order and preliminary injunction [Docket Nos. 3, 4] seek a temporary restraining order pursuant to Fed. R. Civ. P. 65(b), they are DENIED. It is further

ORDERED that, to the extent plaintiffs’ motions for temporary restraining order and preliminary injunction [Docket Nos. 3, 4] seek a preliminary injunction pursuant to Fed. R. Civ. P. 65(a), they are held in abeyance until the motions have been fully briefed.

DATED August 6, 2012.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge

³*Cf. Younger v. Harris*, 401 U.S. 37 (1971).