

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02121-MJW

ANDREW J. O'CONNOR,

Plaintiff,

v.

TOBEY BASSOFF,
JOLENE RADOSTIS,
RICK KELLOGG,
ROBBYN FERNANDEZ,
BRUCE MESSINGER,
RYAN ELEMENTARY SCHOOL, and
BOULDER VALLEY SCHOOL DISTRICT NO. RE2,

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that Plaintiff's Fourth Motion for a Temporary Restraining Order and Preliminary Injunction Pursuant to Fed. R. Civ. P. 65(b)(1)(A) (**Docket No. 37**) is **DENIED** for the reasons set forth by Senior Judge Lewis T. Babcock in denying Plaintiff's earlier motions. (See Docket Nos. 25, 29.) Plaintiff has not established irreparable harm that requires immediate relief and has not established that the ordinary course of litigation provides an inadequate remedy. Plaintiff also has not cited relevant, governing legal authority – let alone show a substantial likelihood of success on the merits. Plaintiff is advised that further efforts to file the same motion without any material change in the circumstances will likely lead to sanctions, including monetary sanctions.

It is further **ORDERED** that Plaintiff's Motion to Reconsider Order to Dismiss in Part (**Docket No. 36**) is **DENIED**. Although Plaintiff identifies a handful of factual statements in which the Court allegedly misapprehended Plaintiff's factual allegations, *cf. Servants of Paraclete v. Does*, 204 F. 3d 1005, 1012 (10th Cir. 2000) (grounds for reconsideration include misapprehending the facts or a party's position), none of the purportedly misapprehended facts are in any way material to Judge Babcock's legal analysis.

Date: December 17, 2015
