

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CONSUMER ENERGY SOLUTIONS,
INC.,

Plaintiff,

v.

Case No: 8:17-cv-211-T-30MAP

CHRISTOPHER JACOBS,

Defendant.

ORDER

THIS CAUSE comes before the Court upon Plaintiff's Emergency Motion for Temporary Restraining Order and Incorporated Memorandum of Law (Dkt. 2).

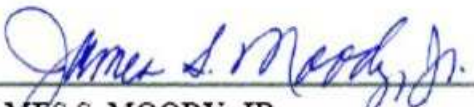
The Court is authorized to issue a temporary restraining order ("TRO") without notice to the adverse party in very limited circumstances. *See* Fed. R. Civ. P. 65(b); Local Rule 4.05. The moving party must demonstrate that it will sustain immediate and irreparable injury before the adverse party can be heard in opposition, and the movant's attorney must certify in writing any efforts made to give notice and the reasons why it should not be required before granting the TRO. Fed. R. Civ. P. 65(b)(1). In addition, the moving party must follow specific procedural requirements, including submitting a proposed order. Local Rule 4.05(b).

The Court cannot grant a TRO in this case because Plaintiff has not met the above requirements.

Therefore, it is ORDERED AND ADJUDGED that:

1. Plaintiff's Emergency Motion for Temporary Restraining Order (Dkt. 2) is DENIED without prejudice insofar as the Court cannot issue a TRO based on the current motion.
2. Plaintiff's Emergency Motion for Temporary Restraining Order (Dkt. 2) is CONVERTED to and TAKEN UNDER ADVISEMENT as a Motion for Preliminary Injunction.
3. Plaintiff's Motion for Preliminary Injunction is referred to the Magistrate Judge pursuant to 28 U.S.C. section 636(b)(1)(B) for the issuance of a Report and Recommendation.

DONE and **ORDERED** in Tampa, Florida, on January 27th, 2017.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record