

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

DEANNA LANGILLE,

Plaintiff,

v.

CASE NO. 1:12-cv-127-MP-GRJ

JAY HOFER, et al.,

Defendants.

_____ /

ORDER

This matter is before the Court on Plaintiff's Motion for Emergency Temporary Restraining Order. (Doc. 9.) Plaintiff seeks to enjoin Defendant, the Commissioner of the Internal Revenue Service, "from levying and liening her property until there has been a hearing on or conclusion of the issues" in her case. Plaintiff also seeks to seal the affidavit because it contains personal and confidential financial information. (Id.)

Plaintiff has failed to comply with the procedural requirements to obtain a temporary restraining order. Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, a court may issue a temporary restraining order without notice to the adverse party only if:

[S]pecific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

Plaintiff has not certified any efforts she has made to give notice to Defendants or why notice should not be required. Nor has she stated why notice should not be required.

Accordingly, her motion does not comply with Rule 65(b)(1)(B) and is procedurally

defective on its face. (Doc. 9.) Furthermore, Plaintiff has failed to comply with Local Rule 7.1, which requires that Plaintiff “shall serve and file with every motion in a civil . . . proceeding a memorandum with citation of authorities in support of the motion.”

Plaintiff failed to serve and file such a memorandum with her motion and therefore has failed to provide the Court with any legal support for her motion.

Accordingly, it is **ORDERED** that:

1. Plaintiff’s motion for a temporary restraining order (Doc. 9) is summarily **DENIED** without prejudice.
2. Plaintiff’s request to seal the affidavit submitted in support of her Motion for Emergency Temporary Restraining Order (Doc. 9, pp. 3-4) is **GRANTED**. The affidavit (Doc. 9, pp. 3-4) shall be sealed.

DONE AND ORDERED this 27th day of September, 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge