

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

PIONEER MILITARY LENDING
OF GEORGIA, INC.,

Plaintiff,

vs.

CASE NO.: 4:05cv153-SPM/AK

CHARLIE CRIST,
Attorney General of Florida,

Defendant.

ORDER

Pending before the Court is Plaintiff Pioneer Military Lending of Georgia, Inc.'s Motion for Temporary Restraining Order.

A party seeking preliminary injunctive relief must show four things: (1) a substantial likelihood of success on the merits; (2) irreparable injury; (3) that the injury to Plaintiff outweighs the harm an injunction may cause Defendants; and (4) that granting the injunction would not disserve the public interest. Tefel v. Reno, 180 F.3d 1286, 1295 (11th Cir. 1999). In addition, when the relief is sought through a temporary restraining order that is issued upon little or no notice, "the applicant's attorney [must] certif[y] to the court in writing the efforts, if

any, which have been made to give the notice and the reasons supporting the claim that notice should not be required.” Fed. R. Civ. P. 65(b).

In this case, Plaintiff has not made an adequate showing that to avoid irreparable injury this matter must be heard without providing Defendant reasonable notice. Defendant will be allowed a reasonable opportunity to respond and be heard before injunctive relief is considered. Defendant’s response to the complaint is due on May 19, 2005. At that time, Defendant can also respond to the issue of preliminary injunctive relief and a hearing may be set accordingly. Based on the foregoing, it is

ORDERED AND ADJUDGED:

1. Plaintiff’s Motion for Temporary Restraining Order (doc. 2) is denied as such, but will be treated as a motion for preliminary injunction.
2. Defendant shall have up to and including May, 19, 2005 to file a written response to the motion for preliminary injunction.

DONE AND ORDERED this 10th day of May, 2005.

s/ Stephan P. Mickle

Stephan P. Mickle
United States District Judge