

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

TERRENCE K. SUMPTER, ET AL.

CIVIL ACTION

VERSUS

No. 12-717

WILLIAM B. HUNGERFORD, ET AL.

SECTION I

ORDER

Considering the *ex parte* motion¹ for preliminary injunction and appointment of a temporary receiver,

IT IS ORDERED that the *ex parte* motion for preliminary injunction is **DISMISSED WITHOUT PREJUDICE** as this Court may issue a preliminary injunction only on notice to the adverse party. *See* Fed. R. Civ. P. 65(a)(1). *See also Consolidation Coal Co. v. Disabled Miners of S.W. Va.*, 442 F.2d 1261, 1269 (4th Cir. 1971) (holding that issuance of an *ex parte* preliminary injunction is “manifestly error, because Rule 65(a)(1) is explicit that ‘no preliminary injunction shall be issued without notice to the adverse party’ ”; 11A Charles Alan Wright, Et Al., *Federal Practice and Procedure*, § 2949 (2d ed. 2011).

IT IS FURTHER ORDERED that the motion² for appointment of a temporary receiver is **DISMISSED AS PREMATURE**.

IT IS FURTHER ORDERED that the motion³ to expedite hearing on the above motions is **DISMISSED AS MOOT**.

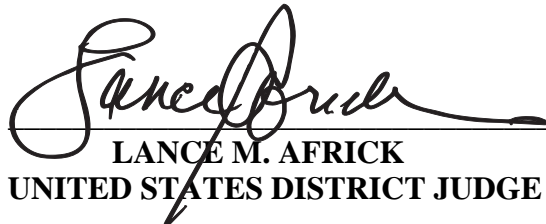
¹ R. Doc. No. 2.

² R. Doc. No. 2.

³ R. Doc. No. 3.

IT IS FURTHER ORDERED that the motion⁴ to expedite discovery is **REFERRED** to
U.S. Magistrate Judge Alma L. Chasez.

New Orleans, Louisiana, March 16, 2012.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE

⁴ R. Doc. No. 4.