

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**AKRIVIS LABORATORIES, LLC,
Plaintiff**

CIVIL ACTION

VERSUS

No. 16-11656

**UNITED STATES DEPARTMENT OF
HEALTH & HUMAN SERVICES, ET AL.,
Defendants**

SECTION "E"

ORDER AND REASONS

The Court has before it a motion for temporary restraining order filed by Plaintiff, Akrivis Laboratories, LLC.¹

Plaintiff seeks to enjoin the United States Department of Health & Human Services and the Centers for Medicare and Medicaid Services “from enforcing any sanctions against Akrivis Laboratories, LLC, imposing immediate jeopardy status on Akrivis’ laboratory in Hammond, Louisiana, and preventing Akrivis from fully operating its business, all as arising out of an inspection conducted of Akrivis’ laboratory on June 6 and June 8, 2016.”² Plaintiff represents that, “[u]nless the United States Department of Health and Human Services and the Centers for Medicare and Medicaid Services are restrained and enjoined by this Court, Plaintiff will suffer immediate and irreparable injury, loss, and damage”³

A temporary restraining order is an extraordinary remedy,⁴ and the movant bears a heavy burden to obtain one.⁵ Pursuant to Federal Rule of Civil Procedure 65(b)(1), a

¹ R. Doc. 2.

² R. Doc. 2 at 1.

³ R. Doc. 2 at 1.

⁴ See, e.g., *Trinity USA Operating, LLC v. Barker*, 844 F. Supp. 2d 781, 785 (S.D. Miss. 2011) (citing *Ridgely v. FEMA*, 512 F.3d 727, 734 (5th Cir. 2008)).

⁵ *Smith v. Dep’t of Health and Hosp. La.*, No. 12-3057, 2014 WL 4635540, at *3 (E.D. La. Sept. 15, 2014) (citing *Miss. Power & Light Co. v. United Gas Pipe Line Co.*, 760 F.2d 618, 622 (5th Cir. 1985)).

temporary restraining order may only be granted if the movant establishes the following four factors:


(1) a substantial likelihood of success on the merits; (2) a substantial threat that failure to grant the injunction will result in irreparable injury; (3) that the threatened injury outweighs any damage that the injunction may cause the opposing party; and (4) that the injunction will not disserve the public interest.⁶

In this case, Plaintiff has not carried its burden of establishing that failure to grant the temporary restraining order would result in irreparable injury, and for that reason, Plaintiff's motion for temporary restraining order must be denied.

Accordingly;

IT IS ORDERED that Plaintiff's motion for temporary restraining order is **DENIED**.⁷

New Orleans, Louisiana, this 27th day of June, 2016.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

⁶ See, e.g., *Allied Mktg. Grp., Inc. v. CDL Mktg., Inc.*, 878 F.2d 806, 809 (5th Cir. 1989) (citations omitted).

⁷ R. Doc. 2.