

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Brian Bluestein

v.

Civil No. 12-cv-21-JL

Marc Levenson

ORDER

The motion to strike the telephone conference (document no. 7) is DENIED. This court has already denied the ex parte motion for a temporary restraining order because it did not meet the criteria for ex parte injunctive relief set forth in Rule 65(b)(1) of the Federal Rules of Civil Procedure. Order of Jan. 23, 2012. The purpose of the telephone conference is to determine whether the plaintiff wants the motion treated as a motion for a preliminary injunction--a form of relief that differs from a temporary restraining order only in that prior notice is given to the defendant, see Fed. R. Civ. P. 65(a)--and, if so, to establish a schedule for briefing and hearing that motion. The plaintiff will not be expected to argue or to prove his entitlement to relief during the call: the purpose of the call is simply to establish a schedule to provide the plaintiff with an opportunity to do that, if he wishes. This is the procedure this court uses every time a request for preliminary relief is filed. Accordingly, the plaintiff shall contact the deputy clerk by telephone by 4 p.m. on Friday, February 10, 2012, to provide the times that he is available for the telephone conference.

If he fails to do so, no request for preliminary relief will be considered, and the case will proceed in the ordinary course.

A handwritten signature in black ink that reads "Joe Laplante". The signature is written in a cursive, flowing style.

SO ORDERED.

February 6, 2012

Joseph N. Laplante
Chief Judge

cc: Brian Bluestein, Pro se
Gretchen Leah Witt, AUSA