

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-CV-379-BO


PATCH RUBBER COMPANY,)
Plaintiff,)
)
v.)
)
KIRK TOELKE,)
Defendant.)

ORDER

This cause comes before the Court on plaintiff's emergency motion for injunctive relief pending appeal [DE 38]. This Court denied plaintiff's motion for preliminary injunction by order entered June 14, 2013. Plaintiff thereafter filed an interlocutory appeal, and sought injunctive relief pending appeal in the court of appeals. By order filed July 29, 2013, the court of appeals denied plaintiff's request for injunctive relief pending appeal.

Plaintiff has proffered no further basis that would convince the Court upon its review that its decision to deny plaintiff's request for preliminary injunction was flawed or that plaintiff would warrant injunctive relief while its appeal of this Court's order denying plaintiff's request for a preliminary injunction is pending. *See Real Truth About Obama, Inc. v. Fed. Election Comm'n*, 575 F.3d 342, 345 (4th Cir. 2009) (listing factors to be considered upon request for preliminary injunction). Accordingly, plaintiff's motion for injunctive relief pending appeal is DENIED.

SO ORDERED, this 1 day of October, 2013.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE