

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
 EASTERN DIVISION

NO. 5:17-CV-135-FL

JAPHETH N. MATEMU,)
)
 Plaintiff,)
)
 v.)
)
 THE NORTH CAROLINA STATE BAR,)
)
 Defendant.)


ORDER

This matter is before the court on plaintiff’s emergency motion for temporary restraining order and preliminary injunction (DE 4), filed March 20, 2017, in which plaintiff seeks to enjoin defendant from publishing in any form a reprimand dated February 10, 2017, in a North Carolina State Bar disciplinary proceeding, or from commencing proceedings before the disciplinary hearing commission of the North Carolina State Bar. To obtain a temporary restraining order and a preliminary injunction, plaintiff must demonstrate “he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” Winter v. Natural Res. Defense Council, Inc., 555 U.S. 7, 20 (2008).

In this case, plaintiff has not made the requisite showing of a likelihood of success on the merits. In particular, state bar disciplinary “proceedings are of a character to warrant federal-court deference” pursuant to Younger v. Harris, 401 U.S. 37 (1971). Middlesex Cty. Ethics Comm. v. Garden State Bar Ass’n, 457 U.S. 423, 434 (1982); see Gilbert v. N. Carolina State Bar, 660 F. Supp. 2d 636, 645 (E.D.N.C. 2009) (dismissing federal constitutional claims seeking injunctive

relief regarding disciplinary proceedings against North Carolina State Bar); Sutton v. N. Carolina State Bar, No. 5:14-CV-243-BR, 2014 WL 4546017, at *4 (E.D.N.C. Sept. 12, 2014) (same). Accordingly, plaintiff's motion for temporary restraining order and preliminary injunction is DENIED. In addition, plaintiff is DIRECTED to show cause, within 21 days of the date of this order, why this action should not be dismissed pursuant to Younger.

SO ORDERED, this the 21st day of March, 2017.


LOUISE W. FLANAGAN
United States District Judge