

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ARISTIDES JURADO, et al.,

Plaintiffs,

v.

AMY C. STONE, et al.,

Defendants.

Case No. 2:15-cv-74

JUDGE GREGORY L. FROST

Magistrate Judge Terence P. Kemp

ORDER

This matter is before the Court for consideration of Plaintiffs' January 12, 2015 emergency motion for a temporary restraining order and an expedited preliminary injunction. (ECF No. 2.) In this motion, Plaintiffs ask this Court to issue a temporary restraining order without notice to Defendants that would enjoin: (1) various defendants from entering or attempting to enter Plaintiffs' home unannounced; (2) various defendants from contacting directly or indirectly individuals who may be called as Plaintiffs' witnesses in this action or in the underlying proceeding pending in state juvenile court; and (3) all state court proceedings in multiple cases, including a state court proceeding scheduled for January 12, 2015, at 1:30 p.m.

The Court can issue a temporary restraining order without notice to Defendants under limited circumstances: if Plaintiffs have alleged specific facts that "clearly show that immediate and irreparable injury, loss, or damage will result to [Plaintiffs] before [Defendants] can be heard in opposition" or if Plaintiffs' "attorney certifies in writing any efforts made to give notice and the reasons why it should not be required." Fed. R. Civ. P. 65(b)(1). Impossibility of notice is not at issue here. Rather, the *pro se* Plaintiffs argue that exceptional circumstances exist to justify a without-notice injunction. Specifically, Plaintiffs contend that a conspiracy exists

involving numerous state actors and other individuals who are discriminating against them. Plaintiffs assert that absent issuance of a without-notice injunction, Defendants will most likely tamper with evidence or cause unspecified harm to one of the plaintiffs while the January 12, 2015 hearing is being held.

Plaintiffs' vague and essentially conclusory allegations of wrongdoing present insufficient facts to support granting a temporary restraining order without notice. Moreover, despite Plaintiffs' conclusory assertion to the contrary, their filings raise a probability that abstention may ultimately be warranted. The Court therefore **DENIES** the request for issuance of an *ex parte* temporary restraining order. Plaintiffs' motion for injunctive relief remains pending and necessitates notice to Defendants. Accordingly, the Court **ORDERS** that Plaintiffs must notify all Defendants or their counsel, if known, of the motion for a temporary restraining order and an expedited preliminary injunction. (ECF No. 2.) Relying on the contact information for Defendants and their counsel that Plaintiffs have emailed this Court, the Court will proceed to schedule an informal conference pursuant to S.D. Ohio Civil Rule 65.1(a).

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE