

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TROY LUKENS,
Petitioner,

Civil No. 09-510-BR

ORDER

v.

ROBERT SKIPPER,
Respondent.

BROWN, Judge.

Petitioner brings this habeas corpus action pursuant to 28 U.S.C. § 2254 *pro se*. Currently before the Court is Petitioner's Motion for Preliminary Injunction (#7) (titled as "Memorandum-Preliminary Injunction").

Petitioner seeks a preliminary injunction prohibiting Respondent from enforcing a no contact order issued by the Multnomah County Department of Community Corrections and its supervising officers. Petitioner's motion does not contain a

certificate of service indicating Petitioner provided a copy of the motion to Respondent. Petitioner notes that, at the time the motion was filed, service of the underlying Petition for Writ of Habeas Corpus had not been completed. Since then, however, Respondent filed a Acceptance and Acknowledgment of Service (#10).

Pursuant to Fed. R. Civ. 65(a), "[n]o preliminary injunction shall be issued without notice to the adverse party." Similarly, Fed. R. Civ. P. 65(b) prohibits the entry of a temporary restraining order without notice to the adverse party absent a showing of "the efforts, if any, which have been made to give the notice and the reasons supporting the claim that notice should not be required."

Accordingly, IT IS ORDERED that Plaintiff's Motion for Preliminary Injunction (#7) is DENIED, without prejudice to Plaintiff's right to renew the motion curing the deficiency noted above.

IT IS SO ORDERED.

DATED this 26th day of June, 2009.

/s/ Anna J. Brown

ANNA J. BROWN

United States District Judge