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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMERICAN FEDERATION OF
GOVERNMENT
EMPLOYEES/NATIONAL BORDER
PATROL COUNCIL, LOCAL 2913,

Plaintiffs, et. al.

v.

UNITED STATES CUSTOMS AND
BORDER PROTECTION,

Defendants, et. al.

CASE NO. C14-1528 MJP

ORDER DENYING PLAINTIFFS’
MOTION FOR TEMPORARY
RESTRAINING ORDER

This matter comes before the Court on Plaintiffs’ motion for temporary restraining order. (Dkt. No. 2.) The motion is unopposed. Having considered Plaintiffs’ motion and the remaining record, the Court DENIES Plaintiffs’ motion for temporary restraining order.

On October 3, 2014, Plaintiffs American Federation of Government Employees/National Border Patrol Council, Local 2913 and Steven L. Malpezzi (“Plaintiffs”) filed a motion for temporary restraining order and temporary and permanent injunction seeking to restrain Defendants United States Customs and Border Protection (“CBP”), Brian Shawler, and Jason

1 Trolinder (“Defendants”) from ordering, coercing, or compelling Plaintiffs to waive their rights
2 under the Fourth Amendment to the United States Constitution, the Privacy Act, and the Health
3 Insurance Portability and Accountability Act of 1996. (Dkt. No. 2 at 1-2.)

4 Plaintiffs allege that on September 30, 2014, Defendant Trolinder sent Plaintiff Malpezzi
5 a memorandum unlawfully directing him to sign two documents, “Authorization to Use and
6 Disclose Health Information” and “Authority for Release of Medical Information,” in violation
7 of Mr. Malpezzi’s rights. (Dkt. No. 3 at 2.) Defendant Trolinder’s memorandum states that Mr.
8 Malpezzi is required to provide the signed documents to Defendants by October 3, 2014 and that
9 refusal may subject Plaintiff Malpezzi “to disciplinary action up to and including removal.” (Id.
10 at 5-6.) Plaintiffs contend that Plaintiff Malpezzi and other bargaining unit members will suffer
11 “immediate and irreparable injury” if Plaintiffs’ motion for temporary restraining order is not
12 granted. (Dkt. No. 2 at 2.) The October 3, 2014 date has passed and service has not been
13 completed. Federal Rule of Civil Procedure 4 requires Plaintiffs to serve summons and a copy of
14 the complaint on the United States Attorney, the United States Attorney General, and the
15 government officer or agency being sued. Fed. R. Civ. P. 4(i)(1)-(2). Plaintiffs have not served
16 the United States Attorney General. (Dkt. Nos. 7-10.) Accordingly, the Court DENIES
17 Plaintiffs’ motion for temporary restraining order without prejudice.

18 The clerk is ordered to provide copies of this order to all counsel.

19 Dated this 31st day of October, 2014.

21 

22 Marsha J. Pechman
23 United States District Judge
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