

Motion to Deny SMC TRO-
12/28/06

ORDER denying [1](#) Motion for TRO. Presently before the court is Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction (#1). The Motion for Temporary Restraining Order is deficient in that it does not contain a certification of the efforts, if any, which have been made to give notice, or the reasons why an order should issue without notice to the adverse party. The affidavit is unsigned and the pleadings are devoid of specific facts to demonstrate a combination of probable success on the merits and a possibility of irreparable injury, or, that the claims raise serious question as to the merits and the balance of hardships tips in movant's favor. The pleadings contain only conclusory statements concerning the grounds for issuance of injunctive relief. For example, although the motion alleges that Defendant's Environmental Assessment Report is "flawed, inaccurate, and lacks a solid grounding in legitimate rangeland science" and that "the removal will harm the genetic viability and diversity of the wild horse population in question," there is no offer of scientific, technical or other specialized knowledge to support such allegations. Plaintiff's Emergency Motion for Temporary Restraining Order (#1) is Denied. The hearing on the Motion for Preliminary Injunction will be held January 30, 2007, at 9:00 AM in Courtroom 6D. Any additional pleadings in support of the motion shall be due from Plaintiffs on or before January 4, 2007. Defendant's response will be due January 19, 2007, and any reply will be due January 26, 2007. Signed by Judge Kent J. Dawson on 12/28/06. (PAV) (Entered: 12/28/2006)

You can get to the docket for the case by going to PACER, clicking on Nevada District Court and plugging in America's Wild Horse Advocates under Name of Parties. You need a PACER login, which you can register for if you don't already have one; this allows you to check out federal court cases nationwide. You are charged 8 cents per page to print out pleadings etc.