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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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6

7 KENNETH J SCHMIER,
8 Plaintiff,

No. C 09-02740 WHA

9 v.


**ORDER REGARDING
APPLICATION FOR TRO**

10 JUSTICE OF THE CALIFORNIA
11 SUPREME COURT, et al.,
12 Defendants.
13

14 Plaintiff has filed an *ex parte* application for a temporary restraining order to enjoin
15 defendants from enforcing California Rule of Court 8.1115(a), which prohibits citation of or
16 reliance upon opinions of the California appellate courts that are not certified for publication.
17 The application explains that plaintiff is a lawyer who is counsel of record for a defendant in a
18 pending criminal case in which arraignment and court trial are scheduled for July 22, 2009.
19 Plaintiff filed no accompanying proof that the application has been served on the defendants. In
20 light of the fact that the trial is scheduled to begin only on July 22, the request for a temporary
21 restraining order is denied. Instead, a hearing on the motion for injunctive relief will be held
22 **JULY 17, 2009, AT 2:00 P.M.**, on the condition that plaintiff serve the complaint, application and
23 a copy of this order on at least one defendant with standing who is in a position to respond
24 appropriately by **JUNE 24, 2009, AT 5:00 P.M.** Plaintiff must file a proof of service with the
25 Court by **JUNE 25, 2009, AT NOON.** A brief in opposition to the application shall be due **JULY**
26 **10, 2009, AT 5:00 P.M.**

27 **IT IS SO ORDERED.**

28 Dated: June 23, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE