

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-60806-CIV-ALTONAGA/Strauss

DEAN LUTRARIO,

Plaintiff,

v.

CITY OF HOLLYWOOD, FLORIDA,

Defendant.

ORDER

THIS CAUSE came before the Court on Plaintiff, Dean Lutrario's Motion for Preliminary Injunction [ECF No. 4], filed on May 2, 2023. Plaintiff requests the Court enter a preliminary injunction against Defendant, City of Hollywood, Florida. (*See generally* Mot.).

While a temporary restraining order may be issued without notice to the adverse party, a preliminary injunction is issued after the adverse party has received notice of the requested relief. *See* Fed. R. Civ. P. 65(b)(1) ("The court may issue a temporary restraining order without written or oral notice to the adverse party" (alteration added)); *id.* 65(a)(1) ("The court may issue a preliminary injunction only on notice to the adverse party.").


There is no indication on the docket that Defendant has been served with the Complaint [ECF No. 1]. The Complaint does not certify Defendant has been served, nor has Defendant appeared in this action. (*See generally* Compl.). Although the Motion contains a "Certificate of Service" stating that Plaintiff "sent a copy of this Motion and its attachments via email to" the city attorney, the city attorney has not appeared as counsel for Defendant in this case. Thus, a preliminary injunction is not procedurally proper.

Accordingly, it is

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ORDERED AND ADJUDGED that the Motion [ECF No. 4] is **DENIED**.

DONE AND ORDERED in Miami, Florida, this 3rd day of May, 2023.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record