

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE**

LEON E. BARD, JR.,	)	
	)	
Plaintiff	)	
	)	
v.	)	Docket No. 08-cv-193-P-S
	)	
DAN DAGGET, et al.,	)	
	)	
	)	
Defendants.	)	
	)	

**ORDER ON PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER**

Before the Court is Plaintiff’s Motion for Temporary Restraining Order (Docket # 11). The Court reads Plaintiff’s Motion as seeking injunctive relief pursuant to Federal Rule of Civil Procedure 65(b) (without prior notice to all adverse parties) and a request for preliminary injunction pursuant to Federal Rule of Civil Procedure 65(a).

Having reviewed Plaintiff’s submission in its entirety, the Court finds no adequate basis for granting Plaintiff the extraordinary remedy of injunctive relief, *ex parte* or otherwise. In the Court’s assessment, Plaintiff’s likelihood of success on the merits is very low. To the extent that Plaintiff’s request for a temporary restraining order is primarily targeted at restraining actions by the Sagadahoc County Sheriff’s Department and Sagadahoc County Sheriff Mark Westrum, the Court notes that these parties would need to be added to the case via an amended complaint that complied with both Magistrate Judge Kravchuck’s June 20, 2008 Order and Federal Rule of Civil Procedure 15. To date, Plaintiff has not complied with these requirements. By way of example, the Court notes that Plaintiff’s recent Motion to Amend (Docket # 10) does not include a proposed amended complaint, as required. In short, the Court cannot order injunctive relief against persons or entities who are not even properly before the Court as parties.

To the extent it appears Plaintiff is seeking to stop the Sheriff’s Department from acting on the writ of possession apparently issued by the Maine District Court, Plaintiff would be well advised to pursue all avenues for appeal within the state court system prior to seeking relief before this federal court. Due to various abstention doctrines, this Court may be unable

to provide Plaintiff with any relief on claims that are premised on valid rulings made by the state court.

For these reasons, the Motion for Temporary Restraining Order (Docket # 11) is hereby DENIED. The Court RESERVES RULING on the Motion to Amend (Docket # 10) until it is fully briefed.

SO ORDERED.

/s/ George Z. Singal  
United States Chief District Judge

Dated on this 26th day of June 2008.

**Plaintiff**

**LEON E BARD, JR**

represented by **LEON E BARD, JR**  
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PRO SE

V.

**Defendant**

**BRENDEN SMITH**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**ROBERT IRETON-HEWITT**

**Defendant**

**JOHN AND JANE DOE**

**Defendant**

**DAN DAGGETT**