

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARVIN WASHINGTON; DEAN BORTELL, as :  
Parent of Infant ALEXIS BORTELL; JOSE :  
BELEN; SEBASTIEN COTTE, as Parent of Infant :  
JAGGER COTTE; and CANNABIS CULTURAL :  
ASSOCIATION, INC., :

Plaintiffs, :

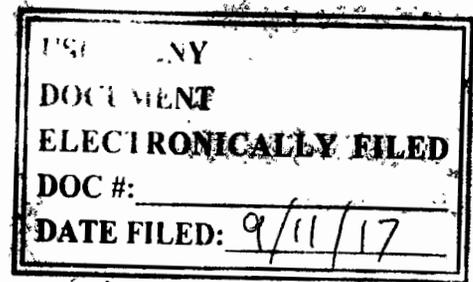
-against- :

JEFFERSON BEAUREGARD SESSIONS, III, in :  
his official capacity as United States Attorney :  
General; UNITED STATES DEPARTMENT OF :  
JUSTICE; CHARLES "CHUCK" ROSENBERG, :  
in his official capacity as the Acting Director of the :  
Drug Enforcement Administration; UNITED :  
STATES DRUG ENFORCEMENT :  
ADMINISTRATION; and the UNITED STATES :  
OF AMERICA, :

Defendants. :  
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**ORDER DENYING A  
TEMPORARY RESTRAINING  
ORDER**

17 Civ. 5625 (AKH)



ALVIN K. HELLERSTEIN, U.S.D.J.:

On September 7, 2017, plaintiffs filed an order to show cause seeking a temporary restraining order in this action. I heard both parties in an on-the-record hearing on September 8, 2017. Plaintiffs' motion for a temporary restraining order is denied. After considering the four requirements for issuing a temporary injunction, and for the reasons stated on the record, I hold that the requirements are not satisfied. *See Am. Civil Liberties Union v. Clapper*, 804 F.3d 617, 622 (2d Cir. 2015) ("A party seeking a preliminary injunction must generally show a likelihood of success on the merits, a likelihood of irreparable harm in the absence of preliminary relief, that the balance of equities tips in the party's favor, and that an injunction is in the public interest."). A complete record is required. The parties shall proceed as expeditiously as is just

and proper. The hearing will consolidate the hearing on a motion for a preliminary injunction with the trial on the merits. *See* Fed. R. Civ. P. 65(a)(2) (“Before or after beginning the hearing on a motion for a preliminary injunction, the court may advance the trial on the merits and consolidate it with the hearing.”).

Discovery shall commence promptly. The parties shall confer and submit a joint letter on September 11, 2017 to outline the discovery that will be necessary in this case, along with a proposed discovery and briefing schedule. A hearing will be scheduled promptly thereafter.

SO ORDERED.

Dated: New York, New York  
September 11, 2017



ALVIN K. HELLERSTEIN  
United States District Judge