

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

MAURICE WALKER,

Plaintiff,

v.

CITY OF CALHOUN,
GEORGIA,

Defendant.

CIVIL ACTION FILE NO.

4:15-CV-170-HLM

ORDER

This case is before the Court on Plaintiff's Notice of Withdrawal of Request for Temporary Restraining Order, and Motion for Hearing Date and Briefing Schedule on His Motion for Preliminary Injunction [11].¹

¹The Court directs Plaintiff's counsel to file any future requests for affirmative relief as separate Motions, rather than including such requests in a Notice or as part of a response brief.

The Court grants the portion of Plaintiff's Motion that the Court construes as a request for leave to withdraw Plaintiff's Motion for Temporary Restraining Order. The Court denies without prejudice the portion of the Motion that seeks a briefing schedule and a hearing date on the Motion for Preliminary Injunction. The briefing schedule will proceed in accordance with the Local Rules.² The Court will schedule a hearing on the Motion for Preliminary Injunction once the briefing process for that Motion is complete and the Court has an opportunity to review the Parties' filings.³

ACCORDINGLY, the Court **GRANTS IN PART AND DENIES WITHOUT PREJUDICE IN PART** Plaintiff's Notice

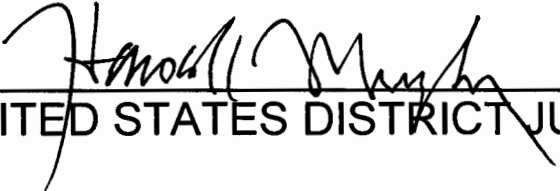
²The complete text of the Local Rules is available via the Court's website: www.gand.uscourts.gov.

³ The Court notes that it already has a heavy criminal and civil trial calendar for the rest of September 2015 and for October 2015, as well as several other pre-existing hearings and commitments.

of Withdrawal of Request for Temporary Restraining Order, and Motion for Hearing Date and Briefing Schedule on his Motion for Preliminary Injunction [11]. The Court **GRANTS** the portion of that document that seeks to withdraw Plaintiff's request for a temporary restraining order [3-1]. Plaintiff's alternative request for a preliminary injunction [3-2] remains pending. The Court **DENIES WITHOUT PREJUDICE** the portion of that document that seeks a hearing date and a briefing schedule on the request for a preliminary injunction. The briefing schedule for that request shall proceed in accordance with the Local Rules--that is, Defendant shall have fourteen days after September 8, 2015, the date on which Plaintiff filed his request, to respond to the request. See N.D. Ga. R. 7.1B ("Any party opposing a motion shall serve the party's response, responsive memorandum, affidavits, and any other responsive material not later than

fourteen (14) days after service of the motion, except that in cases of [a] motion for summary judgment the time shall be twenty-one (21) days after service of the motion.”). Plaintiff will then have fourteen days after Defendant responds in which to file a reply in support of the request. See N.D. Ga. R. 7.1C (“When the movant deems it necessary to file a reply brief, the reply must be served not later than fourteen (14) days after service of the responsive pleading.”). The Court will set a hearing on the request for a preliminary injunction after the briefing process is complete and after the Court has an opportunity to review the Parties’ briefs.

IT IS SO ORDERED, this the 10² day of September, 2015.


UNITED STATES DISTRICT JUDGE