

Plaintiff's brief in support of the request for a restraining order. In the brief, Plaintiff contends that adverse consequences will attach if the underlying issue in this case, requirements for a Georgia Firearms License, is not resolved by July 20, 2006. (Plaintiff's memorandum, p. 1, 5, 6, 7, 11, 12).

II.

“[A] preliminary injunction is an extraordinary and drastic remedy which should not be granted unless the movant clearly carries the burden of persuasion.” Canal Authority of Florida v. Callaway, 489 F.2d 567, 573 (11th Cir. 1974). The “sole purpose is to preserve the relative positions of the parties until a trial on the merits can be held.” Institute of Texas v. Camenisch, 451 U.S. 390, 395 (1981).

In order to prevail on a motion for Temporary Restraining Order or Motion for Preliminary Injunction “The movant must show (1) a substantial likelihood of prevailing on the merits; (2) that movant will suffer irreparable injury unless the injunction issues; (3) that the threatened injury to the movant outweighs whatever damages the proposed injunction may cause the opposing party; and (4) that if issued, the injunction would not be adverse to the public interest.” Baker v. Buckeye Cellulose Corp., 856 F.2d 167, 169 (11th Cir. 1988); Levi Strauss and Company v. Sunrise International Trading Inc., 51 F.3d 982 (11th Cir. 1995).

The movant carries the burden of persuasion on all four of the above standards. Jefferson County, supra, 720 F.2d at 1519. “The ‘sine qua non’ of the preliminary injunction test is whether the movant is likely to succeed on the merits.” Weaver v. Henderson, 984 F.2d 11, 12 (1st Cir. 1993). See also, Garcia-Mir v. Meese, 781 F.2d 1450, 1453 (11th Cir. 1986).

III.

After receiving the instant action, counsel for Defendant Hitchens began researching the history of the form at issue. However, due to the expediency in which a hearing in this matter was set, Defendant has not had adequate time to review, research, and sufficiently brief this matter. Accordingly, Defendant submits that a ruling on the issues at this point would be premature. Mindful of the date at which point Plaintiff contends that harm would attach, Defendant submits that the issues and argument would be ripe for consideration by July 17, or 18. In addition, at that point, depending on the results of the research, there may no longer be an issue for consideration by the Court.

IV.

In accordance with the above, Defendant Hitchens submits that the hearing on the merits of the request for restraining order is premature, and requests that the Court reschedule the instant hearing for July 17, or July 18.

Respectfully Submitted, this 11th day of July, 2006.

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CERTIFICATION AS TO FONT

Pursuant to N.D. Ga. Local Rule 7.1 D, I hereby certify that this document is submitted in Times New Roman 14 point type as required by N.D. Ga. Local Rule 5.1(b).

s/ Eddie Snelling, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2006, I electronically filed DEFENDANT HITCHENS' RESPONSE TO REQUEST FOR TEMPORARY RESTRAINING ORDER with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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