

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA, WESTERN DIVISION**

Andrew R. Smith v. Theodore Mermigos, et al.

Smith v. Mermigos · No. No. 5:26-CV-194-BO-RN · Decided April 3, 2026

OPINION

Mermigos

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:26-CV-194-BO-RN

ANDREW R. SMITH,)

Plaintiff, } v. ; ORDER THEODORE MERMIGOS, et al., ; Defendants. On March 27, 2026, plaintiff, who proceeds pro se, initiated this action by filing a complaint, a motion for leave to proceed in forma pauperis, and an emergency motion for temporary restraining order and preliminary injunction. [DE 1]; [DE 2]; [DE 3]; see also Fed. R. Civ. P. 65. Plaintiff seeks in part entry of a temporary restraining order immediately staying all child support enforcement activity. While temporary restraining orders are at times necessary, “[t]he stringent restrictions imposed by . . . Rule 65 [] on the availability of ex parte temporary restraining orders reflect the fact that our entire jurisprudence runs counter to the notion of court action taken before reasonable notice and an opportunity to be heard has been granted both sides of a dispute.” *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70 of Alameda Cty.*, 415 U.S. 423, 438-39 (1974). Accordingly, the procedural requirements of Rule 65(b) are strictly construed. See *Tchienkou v. Net Tr. Mortg.*, 2010 WL 2375882, at *1 (W.D. Va. June 9, 2010). Plaintiff has failed to demonstrate why emergency ex parte relief is warranted in this instance. See Fed. R. Civ. P. 65(b)(1)(B). His request for entry of a temporary restraining order is therefore DENIED. SO ORDERED, this J day of April 2026.

UNITED STATES DISTRICT JUDGE