

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, ABERDEEN DIVISION

Amine Merzaki v. Oktibbeha County, et al.

Merzaki · No. 1:26-CV-49-GHD-DAS · Decided April 14, 2026

SUMMARY

The United States District Court for the Northern District of Mississippi denied pro se Plaintiff Amine Merzaki’s emergency motion for a temporary restraining order. The court held that the motion failed to satisfy Federal Rule of Civil Procedure 65(b)(1) because it did not adequately allege immediate and irreparable injury before the defendants could be heard and did not certify efforts to provide notice or reasons notice should not be required.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi, Aberdeen Division
JURISDICTION	United States District Court for the Northern District of Mississippi, Aberdeen Division
DECIDED	April 14, 2026
DOCKET	1:26-CV-49-GHD-DAS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved ex parte for a temporary restraining order in an action alleging harassment, fabricated evidence, eviction-related misconduct, federal statutory violations, constitutional violations, and state-law claims.
STANDARD OF REVIEW	A temporary restraining order under Federal Rule of Civil Procedure 65(b) requires a showing that immediate and irreparable injury, loss, or damage will result before the opposing party can be heard; an ex parte TRO also requires written certification of efforts to provide notice and reasons notice should not be required.
PRECEDENTIAL VALUE	Unknown

TOPICS

- injunctions
- civil procedure
- eviction
- landlord tenant

PRACTICE AREAS

civil procedure

injunctions

landlord tenant

civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied Federal Rule of Civil Procedure 65(b)(1)'s requirements for an ex parte temporary restraining order.
2. Whether Plaintiff adequately alleged immediate and irreparable injury before Defendants could be heard.
3. Whether Plaintiff certified in writing his efforts to give notice to Defendants and the reasons notice should not be required.

HOLDINGS

1. The motion for an ex parte temporary restraining order must be denied because Plaintiff failed to adequately allege that immediate and irreparable injury would occur before Defendants could be heard and failed to provide the required written certification concerning notice.

KEY QUOTATIONS

“A temporary restraining order is a mechanism for affording relief for a limited time, when immediate and irreparable injury, loss, or damage will result to the movant before a party can be heard in opposition.”
(Discussion)

“Given the strict requirements of Rule 65, the Court finds the Plaintiff’s motion is deficient, and must be denied” (Discussion)

FACTUAL BACKGROUND

Plaintiff alleged harassment and fabrication of evidence connected to his eviction from an apartment in Starkville, Mississippi. He asserted claims under the Fair Housing Act, civil RICO, the Telephone Consumer Protection Act, the First, Fourth, and Fourteenth Amendments, and state law. He sought an ex parte TRO against sixteen Defendants, including Oktibbeha County, its sheriff, businesses, and state and municipal employees, but had not served any Defendant.

PROCEDURAL HISTORY

On April 9, 2026, Plaintiff filed a pro se complaint and an emergency motion for a temporary restraining order. The motion sought to enjoin Defendants from pursuing eviction, contacting Plaintiff at his residence absent a warrant, and retaliating against him. At the time of the order, none of the sixteen Defendants had been served. The court denied the motion because Plaintiff failed to satisfy Rule 65(b)(1)'s requirements concerning immediate and irreparable injury and written certification regarding notice.

DISPOSITION

other

CASES CITED

- *Esparza v. Bd. of Trustees*, 182 F.3d 915, 1999 WL 423109, at *2 (5th Cir. 1999)
- *Ruffin v. Turner*, No. 2:25-CV-169-TBM-RPM, 2026 WL 220912, at *2 (S.D. Miss. Jan. 27, 2026)
- *Evans v. Hall*, No. 4:20-cv-140-NBB-JVM, 2020 WL 5899422, at *1 (N.D. Miss. Oct. 5, 2020)

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