

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Virgil Bernard French v. Miami-Dade County and Romel Russell

French · No. 26-cv-23097-ALTMAN · Decided May 13, 2026

SUMMARY

The court strikes the Plaintiff’s emergency motion seeking a temporary restraining order. It concludes that the motion failed to comply with the Southern District of Florida’s emergency-motion certification requirement and did not satisfy Federal Rule of Civil Procedure 65(b)(1)’s requirements for relief without notice.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	May 13, 2026
DOCKET	26-cv-23097-ALTMAN
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a temporary restraining order in an action alleging excessive force, deliberate indifference, battery, false imprisonment, and Fourth Amendment violations.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation

TOPICS

injunctions civil procedure

PRACTICE AREAS

civil procedure civil rights injunctive relief

QUESTIONS PRESENTED

- Whether the Emergency Motion should be stricken for failure to comply with the Southern District of Florida's emergency-motion certification requirements.
- Whether Plaintiff satisfied Federal Rule of Civil Procedure 65(b)(1)'s requirements for issuance of a temporary restraining order without written or oral notice.

HOLDINGS

1. A shorthand reference to Southern District of Florida Local Rule 7.1(d)(1) does not substitute for the specific certification required by that rule; because the Emergency Motion failed to comply with the procedural requirement, it was properly stricken.
2. A temporary restraining order without written or oral notice may issue only when specific facts in an affidavit or verified complaint clearly show that immediate and irreparable injury will result before the adverse party can be heard; Plaintiff's motion did not satisfy those requirements.

KEY QUOTATIONS

“Procedural requirements . . . are not to be disregarded by courts out of a vague sympathy for particular litigants.”

FACTUAL BACKGROUND

Plaintiff alleged that Defendants were conducting sustained surveillance and intimidation, causing a severe psychological breakdown, hospitalization, and an inability to return home or secure alternative shelter. He sought a temporary restraining order prohibiting surveillance, monitoring, physical following, and interference with his ability to obtain housing. The motion included a declaration describing a white unmarked vehicle and difficulty securing a hotel room, but did not substantiate the alleged coordinated surveillance or housing interference.

PROCEDURAL HISTORY

Plaintiff filed the complaint on May 1, 2026, and had not filed proof of service of process when he moved for emergency injunctive relief on May 12, 2026. The district court struck the Emergency Motion because it did not comply with the Southern District of Florida's emergency-motion certification requirement and did not satisfy the requirements for an ex parte temporary restraining order under Federal Rule of Civil Procedure 65(b)(1).

DISPOSITION

other

CASES CITED

- Baldwin Cnty. Welcome Ctr. v. Brown, 466 U.S. 147, 152 (1984)