MOTION FOR TEMPORARY RESTRAINING ORDER CHECK LIST

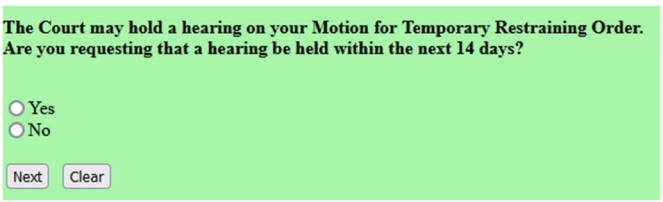
FILING MOTION WITH NEW COMPLAINT

When a new case is being opened by plaintiff's attorney and a Motion for Temporary Restraining Order is being filed in that case, plaintiff's attorney will select a requested date and time for the hearing, or request that the Court select a hearing date within the next 14 days, or indicate to the Court that no hearing is be requested within the next 14 days. The plaintiff's attorney is expected to notify the defendants, giving them information concerning the TRO, including the requested date and time to appear. Reasonable time should be given for the defendants to appear.

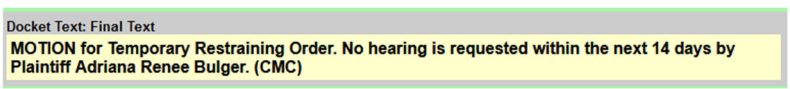
1. Complaint and Initiating Documents
    - Local Rule 2.02 Forms to be Filed in a Civil Case require the following documents be filed when opening a new case:
        - Complaint
        - Civil Cover Sheet
        - Original Filing Form
        - Service Documents:
            - Notice of Process Server and Summonses; OR
            - Waiver of Service (Form AO399) for each defendant. A copy of the unsigned Waiver of Service being mailed to the defendant must be attached to the complaint.
            - Note: federal agencies and officers must have summonses prepared for the U.S. Attorney General and U.S. Attorney for the Eastern District of Missouri. They are served via certified mail, not a process server.
        - Attach the civil cover sheet, original filing form, and summons(es) or waiver(s) as attachments to the complaint.
        - Docket the Notice of Process Server (if applicable) using the event **Civil>Other Filings>Notices>Notice of Process Server.**
        -

2. After docketing the Complaint and attaching the documents listed above, the attorney will docket the Motion for Temporary Restraining Order**. Civil>Motions and Related Filings>Motions>Temporary Restraining Order.**

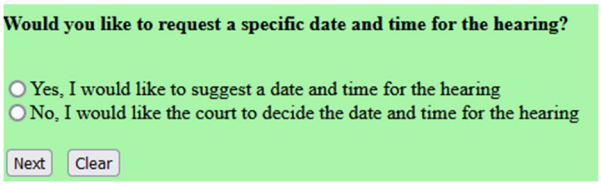
    - The Proposed Order for TRO should be filed as attachments to the Motion. The Memorandum in Support is a separate docket entry.
    - The Motion for TRO event will ask the filer if they are requesting a date and time for a hearing:



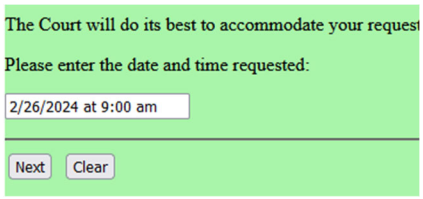
- If No is selected, the final text will state:



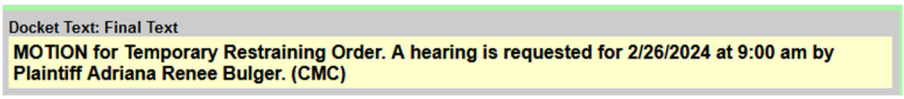
- If Yes was selected, this question comes up:



- Clicking Yes here brings up this screen:



- And the final text will state:



However, selecting No to the last question creates this final text:

3. Docket the Memorandum in Support of Motion using the event **Civil>Motions and Related Filings>Memoranda, Responses, and Replies>Memorandum in Support of Motion.**

4. Any proposed bond order should be filed under the event **Civil>Motions and Related Filings>Motion>Bond.**

    - If a surety bond is being posted, the cashier will check the Federal Registry to make sure the surety company is listed. The court requires a current certified Certificate of Authority from the Missouri Division of Insurance be on file and the Attorney-in-Fact is registered with this court. To contact the cashier to verify a surety company's information, please call 314-244-7872.

Upon completion of these requirements a Deputy Clerk will quality control the new case and a judge will be notified that a TRO has been filed.

REQUIREMENTS
• The attorney of record must be a member of the Eastern District of Missouri bar or have a Motion to Appear Pro Hac Vice. (See Local Rule 12.01 for requirements)

• The attorney of record must sign all documents pursuant to FRCP11. When the attorney is opening the new case on ecf, the use of the ecf login and password assigned by the court complies with Rule 11. Each attorney must e-file their own entry of appearance.

The FEE for filing a civil case is $405.00. When an attorney is opening the case electronically through CM/ECF, a valid credit card or ACH/debit is required for payment through Pay.Gov. If a person representing him or herself Pro Se is filing the case, this Court accepts payment by cash, credit card, or check – the check should be made payable to "Clerk, U.S. District Court."

(Rev. 12/25)