YOUR NAME

Mailing Address

City, State, ZIP

Phone Number

Your Name

Plaintiff in Pro Per

### IN THE UNITED STATES DISTRICT COURT FOR THE \_\_\_\_\_\_\_ DISTRICT OF \_\_\_\_\_\_\_

| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Plaintiff/Petitioner,  v.  ELON MUSK, DOGE (DEPARTMENT OF GOVERNMENT EFFICIENCY, UNITED STATES TREASURY and DOES 1-#,  Defendant/Respondent | Case No.:  MOTION FOR TEMPORARY RESTRAINING ORDER (TRO)  Cal. Code of Civ. Proc. 526(a)    Date: Hearing Date]  Time: Hearing Time  Location: Dept. Department  Judge: Hon. Judge's Name  Date Action Filed: Date Filed    Trial Date: Not Yet Set |
| --- | --- |

Plaintiff [Plaintiff’s Name], by and through their undersigned counsel, respectfully moves this Court for a Temporary Restraining Order (TRO) to enjoin the Defendants from continuing to exercise control over the Treasury payment system and the administration of federal financial transactions pending the resolution of this lawsuit.

This motion is based on the grounds that the Plaintiff is suffering irreparable harm due to the unconstitutional delegation of powers by Congress to the Department of Government Efficiency (DOGE), and its unauthorized exercise of authority over the Treasury. The Plaintiff asserts that the Defendants’ actions violate both the **Nondelegation Doctrine** and the **Separation of Powers Doctrine**, as outlined in key Supreme Court precedents. Specifically, Plaintiff requests that the Court intervene to prevent continued control of Treasury processes by DOGE under the leadership of Elon Musk.

### **I. Legal Standard for a Temporary Restraining Order**

A plaintiff seeking a temporary restraining order must demonstrate the following four elements:

1. **Likelihood of Success on the Merits**: The Plaintiff must show a strong likelihood of succeeding on the legal claims brought before the Court.
2. **Irreparable Harm**: The Plaintiff must show that without immediate relief, they will suffer irreparable harm.
3. **Balance of Equities**: The harm to the Plaintiff from denying the TRO must outweigh the harm to the Defendants from granting it.
4. **Public Interest**: The requested TRO must serve the public interest.

Plaintiff contends that these factors are all met in the present case and that urgent intervention is necessary to prevent further unconstitutional actions by the Defendants.

### **II. Likelihood of Success on the Merits**

Plaintiff asserts that the actions of DOGE, under the leadership of Elon Musk, violate the **Nondelegation Doctrine** and the **Separation of Powers Doctrine**, two foundational principles of the U.S. Constitution.

1. **Nondelegation Doctrine**:  
   The **Nondelegation Doctrine** prohibits Congress from transferring its legislative powers to executive agencies without providing an intelligible principle to guide the agency’s actions. In **Gundy v. United States**, 588 U.S. 35 (2019), the Supreme Court upheld Congress delegating authority to the Attorney General, finding that Congress must provide an intelligible principle for any delegation of legislative power. However, the delegation of authority to DOGE—an entity with vast powers over the Treasury’s payment system—lacks the clear guidance required by the Nondelegation Doctrine. This delegation is unconstitutional because it grants DOGE, led by Elon Musk, broad and unchecked powers without any meaningful congressional oversight or intelligible principle to guide its actions.
2. **Separation of Powers**:  
   The **Separation of Powers Doctrine** mandates that the legislative, executive, and judicial branches of government remain distinct and separate. In **Seila Law LLC v. Consumer Financial Protection Bureau**, 140 S. Ct. 2183 (2020), the Supreme Court held that a single-director independent agency with removal protections violated the Constitution’s separation of powers, as it diminished executive control. Similarly, the structure of DOGE, led by a singular figure with immense executive power, encroaches on legislative powers and undermines the checks and balances inherent in the U.S. Constitution.
3. **Chevron Doctrine and Loper Bright Enterprises v. Raimondo**:  
   In **Loper Bright Enterprises v. Raimondo**, 143 S. Ct. 1073 (2023), the Supreme Court overruled **Chevron deference**, emphasizing that courts should not defer to agency interpretations of ambiguous statutes. This ruling marks a shift in favor of judicial review of executive agency actions, aligning with Plaintiff’s position that DOGE’s control over federal financial processes is subject to strict judicial scrutiny. The **Chevron** decision, which allowed for significant agency power, is no longer applicable and should be seen as limiting DOGE’s authority.

### **III. Irreparable Harm**

Plaintiff faces immediate and irreparable harm in the absence of a TRO. DOGE’s control over the Treasury payment system and the distribution of federal funds undermines the balance of powers and threatens the Plaintiff’s financial security and constitutional rights. The continued actions of DOGE, unchecked by judicial intervention, threaten to alter the nature of federal governance and finance in a way that cannot be undone.

As the U.S. Treasury handles critical financial systems for all U.S. citizens, including the Plaintiff, the ongoing and unauthorized control by DOGE over these systems inflicts harm that cannot be remedied by monetary damages.

### **IV. Balance of Equities**

The balance of equities favors granting a TRO. The Defendants—particularly DOGE and Elon Musk—will not be harmed by a temporary cessation of their involvement in the Treasury payment system. On the other hand, the Plaintiff faces significant harm to their constitutional rights, economic interests, and the integrity of the separation of powers if the TRO is denied.

### **V. Public Interest**

Finally, the public interest is best served by granting the requested TRO. Ensuring that executive power is properly checked and that federal agencies do not operate outside the scope of their constitutional authority protects the public trust in the rule of law. A ruling in favor of the Plaintiff would reinforce the balance of powers, which is a fundamental aspect of the public interest.

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### **VI. Conclusion**

For the foregoing reasons, Plaintiff respectfully requests that this Court grant a Temporary Restraining Order, enjoining the Defendants from continuing their control over the Treasury payment system pending the resolution of this lawsuit.

DATED: [Insert Date]  
Respectfully Submitted,  
[Plaintiff’s Name]  
[Plaintiff’s Address]  
[Plaintiff’s Contact Information]