

Oneida Tribal Judicial System

Onayote ʔ a-ka Tsiʔ Shakotiyaʔ Tolé hte

ONEIDA TRIBAL JUDICIAL SYSTEM TRIAL COURT

**Carol J. Torres,
Petitioner**

Docket No: 08-TC-018

v.

Date: March 4, 2008

**Oneida Housing Authority,
Respondent**

Decision

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Cristina Danforth, and Leland Wigg-Ninham, presiding.

I Background

This case involves a request for the court to order an injunction to prevent OHA from issuing an eviction against Petitioner.

On February 14, 2008, Petitioner, Carol Torres, filed a Motion for an Injunction to stay an eviction notice she received from Respondent, Oneida Housing Authority on January 18, 2008.

A temporary restraining order is an injunction issued without notice to the non moving party based upon a finding of immediate and irreparable harm in the event that the injunction is not issued. The loss of housing on such short notice was found to be a risk of immediate and irreparable injury, given the alleged fact that the Petitioner has a child in the home.

A temporary restraining order was granted against the enforcement of the eviction order of the

Oneida Housing Authority. A hearing was scheduled for Friday, February 22, 2008, to resolve the issue of the injunction.

On February 21, 2008 Respondent filed several motions: (1) Motion in Opposition to Temporary Restraining Order; (2) and/or Preliminary Injunction and; (3) Motion for Continuance due to counsel's prior commitment.

On February 21, 2008 the court granted a new hearing date of February 27, 2008.

At the February 27, 2008 hearing Petitioner submitted a Motion to Withdraw Claim. The court granted Petitioner's Motion to Withdraw. In addition, the parties reached a verbal agreement, which was stated on the record.

II Decision

Petitioner's Motion to Withdraw is granted. Therefore, this case is dismissed.