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and ROBERT MONTANEZ

7  
8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION**

10 GLENN PICO, ) **CASE NO. 2:10-CV-01406-JAM-GGH**  
11 ) **ORDER DENYING PLAINTIFF GLENN**  
Plaintiff, ) **PICO’S MOTION FOR PRELIMINARY**  
12 ) **INJUNCTION**  
13 v. )  
14 CONSUMNES RIVER COLLEGE and )  
ROBERT MONTANEZ, DEAN, )  
15 )  
16 Defendants. )  
17 )  
18 )

19 On August 31, 2010, plaintiff Glenn Pico filed an Emergency Application for TRO. By  
20 Minute Order dated August 31, 2010, the Court found that no immediate harm had been  
21 demonstrated and elected to treat the application as a motion for a preliminary injunction.  
22 Defendants Consumnes River College and Robert Montanez filed their opposition on September  
23 7, 2010, and Plaintiff filed his reply on September 10, 2010. Defendants filed a supplemental  
24 declaration in opposition to the motion on September 13, 2010.

25 The Court heard this matter on September 15, 2010, the Honorable Judge John A.  
26 Mendez, presiding. Jennifer L. Hippo appeared on behalf of Defendants. Plaintiff’s counsel,  
27 James Joseph Lynch, Jr., did not appear.

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Having considered all matters submitted in the papers, all admissible evidence submitted in connection therewith, the pleadings on file in this matter, and the applicable law, and following oral argument, the Court finds and rules as follows:

Plaintiff's Motion for Preliminary Injunction is **DENIED**. Plaintiff failed to provide admissible evidence allowing for the award of a preliminary injunction. Specifically, Plaintiff failed to provide evidence that he would suffer irreparable harm absent a preliminary injunction or that the balance of equities tips in plaintiff's favor. (See *Winter v. Nat'l Res. Def. Council Inc.*, 129 S.Ct. 365, 375 (2008).) Further, Plaintiff failed to show that he has any chance of succeeding on the merits of his lawsuit for harassment and retaliation in violation of Title VII or that an injunction under the circumstances is in the public interest. (See *American Trucking Ass'ns, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9<sup>th</sup> Cir. 2009).) "If a plaintiff fails to meet its burden on any of the four requirements for injunctive relief, its request must be denied." (*Sierra Forest Legacy v. Rey*, 691 F.Supp.2d 1204, 1207 (E.D. Cal. 2010).)

**IT IS SO ORDERED.**

Dated: September 16, 2010

/s/ John A. Mendez  
The Honorable John A. Mendez  
U.S. DISTRICT COURT JUDGE

**PROOF OF SERVICE**

**CASE NAME:** Pico v. Cosumnes River College, et al.  
**CASE NO.:** 2:10-CV-01406-JAM-GGH

I am employed in the County of Sacramento. I am over the age of eighteen years and not a party to the within above-entitled action. My business address is 2180 Harvard Street, Suite 560, Sacramento, CA 95815.

I am familiar with this office's practice whereby the mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited in a United States mailbox after the close of each day's business.

On the date set forth below, I served the following: **[PROPOSED] ORDER DENYING PLAINTIFF GLENN PICO'S MOTION FOR PRELIMINARY INJUNCTION**

United States Mail - on all parties in said action by placing a true copy of the above described document(s) enclosed in a sealed envelope in the designated area for outgoing mail addressed as set forth below.

By FACSIMILE (telecopier) - by personally sending to the addressee's facsimile number a true copy of the above-described document(s).

Electronic Service - by causing such document to be served electronically to the addresses listed below.

Federal Express - on all parties in said action by placing a true copy of the above-described document(s) in an authorized area for pick-up by an authorized express service courier the same day it is collected and processed in the ordinary course of business as set forth below.

Personal Service - By personally delivering or causing to be delivered a true copy of the above-described document to the person(s) and at the address(es) set forth as shown below.

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FEDERAL: I declare that I am employed in the office of a member of the bar of this Court at whose direction service was made.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on September 16, 2010 at Sacramento, California.

\_\_\_\_\_  
/S/ Mike Quinn  
MIKE QUINN