



1 Court enjoining an unlawful detainer trial filed against them in  
2 Nevada County Superior Court and scheduled to begin on May 14,  
3 2012. The unlawful detainer trial has been scheduled since April  
4 25, 2012 and the action has been pending since October 21, 2011.  
5 Plaintiffs have not provided this Court with any explanation as to  
6 why they waited until the eleventh hour to file their TRO  
7 Application. Local Rule 231(b) allows this Court to consider  
8 whether Plaintiffs could have sought relief by motion for  
9 preliminary injunction at an earlier date without the necessity for  
10 seeking last minute relief by motion for temporary restraining  
11 order. This Local Rule also authorizes this Court to deny the TRO  
12 motion should it find that the applicant unduly delayed in seeking  
13 injunctive relief. In the instant case, the Court concludes that  
14 Plaintiffs' unexplained delay in bringing their motion for a TRO  
15 constitutes laches, and on this ground DENIES this TRO Application.

16 In addition, the Court also DENIES Plaintiffs' TRO Application  
17 on the ground that it is prevented from entering the TRO Plaintiffs  
18 seek due to the Anti-Injunction Act, 28 USC § 2283. Under this  
19 statute, a federal court is barred from enjoining or staying  
20 proceedings in state court. The statute is interpreted broadly and  
21 includes injunctions directed at the parties rather than the state  
22 court itself. The Act carves out three exceptions which are to be  
23 interpreted narrowly. None of the three narrow exceptions to the  
24 Anti-Injunction Act applies in this case. Plaintiffs argue that  
25 the exception for "injunctions necessary in aid of the Court's  
26 jurisdiction" 28 USC § 2283, is applicable but cite no authority in  
27 support of their argument. Defendants, on the other hand, submit  
28 ample authority in support of their argument that the unlawful

1 detainer action poses no threat to this Court's jurisdiction and,  
2 therefore, under the Anti-Injunction Act this Court must deny  
3 Plaintiffs' TRO Application. See, e.g., Scherbenske v. Wachovia  
4 Mortgage, FSB, 626 F.Supp.2d 1052 (E.D. Cal. 2009); Brouard v.  
5 City of Pasadena, No. CV 09-7079 AHM (FFM), 2010 WL 135331 (C.D.  
6 Cal. Jan. 11, 2010).

7 The Court need not reach Defendants' other arguments raised in  
8 their Opposition to the TRO Application. For the foregoing  
9 reasons, Plaintiffs' TRO Application is DENIED. If Plaintiffs  
10 still desire to have this Court consider issuing a preliminary  
11 injunction they should notice such a motion for a date on the  
12 Court's regularly scheduled civil law and motion calendar. Once  
13 noticed, the parties shall file their briefs in support of and in  
14 opposition to this motion in accordance with the Court's Local  
15 Rules.

16 IT IS SO ORDERED.

17 Dated: May 11, 2012

18 /s/ John A. Mendez

19 U. S. District Court Judge  
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