1		
2		
3		
4		
5		
6	UNITED STATES DISTRICT COURT	
7	EASTERN DISTRICT OF CALIFORNIA	
8		
9	RUTH HASKELL,	No. 2:15-cv-0750-TLN-CMK PS
10	Plaintiff,	
11	٧.	ORDER
12	JEFF GARRETT, et al.,	
13	Defendants.	
14		
15	On April 6, 2015, Plaintiff Ruth Haskell filed a complaint in this matter entitled	
16	"Complaint and Request for Immediate Injunctive Relief". ECF No. 1. Plaintiff alleges	
17	that on September 24, 2014, some twenty-five officers and agents entered her property	
18	with a search warrant and rummaged through her belongings. Plaintiff and a guest at	
19	the property, Roongroj Spiritula, were arrested. Plaintiff claims she was injured by	
20	Tehama County Deputy Sherriff Jeff Garrett in the process of her arrest. Thereafter, on	
21	or about November 4, 2014, Plaintiff claims that a Tehama County Code Enforcement	
22	Officer, Keith Curl, posted a Notice to Abate on her property. On April 2, 2014, Curl	
23	made a subsequent inspection and told Plaintiff that certain of her belongings would be	
24	confiscated beginning on the morning of April 8, 2015.	
25	While the body of Plaintiff's complaint contains no further reference to the nature	
26	of any injunctive relief being sought aside from a concluding prayer that injunctive relief	
27	against Defendants be granted, on April 7, 2015 Plaintiff filed an additional document	
28	captioned as an "Application for Preliminary Injunction Relief." ECF No. 3.	
		1

That Application states that Plaintiffs' "property, papers and [e]ffects" will be taken and
 destroyed on April 8, 2015 by agents and officers of Tehama County, and that Plaintiff
 will suffer irreparable harm causing "great financial loss" if an injunction does not issue.
 Plaintiff does not otherwise detail any purported damage she will suffer.

Although styled as a preliminary injunction request, which ordinarily must be
made by way of a regularly noticed motion, because the harm complained of by Plaintiff
may begin tomorrow the Court will construe her request as a temporary restraining order
potentially entitling Plaintiff to the emergency relief she requests.

9 As a request for a temporary restraining order, however, Plaintiff's request is procedurally defective and must be denied on that basis alone.¹ Any application for a 10 11 temporary restraining order must be made in accordance with Eastern District Local Rule 12 231. Contrary to the provisions of Rule 231(c)(5), Plaintiff has failed to submit an 13 affidavit detailing efforts to provide notice to Defendants, or alternatively, the reasons 14 why such notice should not be required. Plaintiff has also not submitted a brief on all 15 relevant legal issues presented by her motion, or an affidavit in support of the existence 16 of an irreparable injury as set forth in subdivisions (c)(3) and (c)(4), respectively. 17 Consequently, Plaintiff's Application for Preliminary Injunction Relief (ECF No. 3) is

18 DENIED, without prejudice to Plaintiff's right to renew said Application in accordance

19 with the provisions of Rule 231(c).

20 IT IS SO ORDERED.

21 Dated: April 7, 2015

22

23

24

MORRISON C. ENGLAND, JR, CHIEF JUDGE UNITED STATES DISTRICT COURT

 ¹ Even if the Court disregarded the procedural defects of Plaintiff's Application, on a substantive basis it appears that Plaintiff has identified only "great financial loss" as her basis for claiming irreparable injury. Monetary damage alone, however, does not constitute irreparable harm. Los Angeles Memorial Coliseum Comm'n v. NFL, 634 F.2d 1197, 1202 (9th Cir. 1980). Instead, the requisite irreparable harm required for immediate injunctive relief must be a "substantial injury that is not accurately measured or adequately compensable by money damages." <u>Ross-Simons of Warwick, Inc. v. Baccarat, Inc.</u>, 102 F.3d 12, 19 (1st Cir. 1996).