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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HENDAZI HARBARUK,
Plaintiff,
v.
THOMAS HOGAN, ESQ., et al.,
Defendants.

No. 2:15-cv-1746 GEB DAD PS

ORDER

Plaintiff Hendazi Harbaruk is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

On August 21, 2015, plaintiff filed an “EX PARTE APPLICATION FOR STAY OF TERMINATION OF TENANCY.” (Dkt. No. 4 at 1.) In that application plaintiff seeks an order staying the termination of his commercial tenancy until the court has issued a decision “as to whether or not the Defendant names herein engaged in illegal discriminatory conduct” (Id.) In this regard, plaintiff’s ex parte application seeks an order from the court granting him injunctive relief.

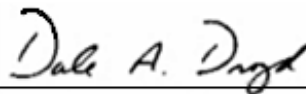
The legal principles applicable to a request for injunctive relief are well established. To prevail, the moving party must show either a likelihood of success on the merits and the possibility of irreparable injury, or that serious questions are raised and the balance of hardships tips sharply in the movant’s favor. See Coalition for Economic Equity v. Wilson, 122 F.3d 692,

1 700 (9th Cir. 1997); Oakland Tribune, Inc. v. Chronicle Publ'g Co., 762 F.2d 1374, 1376 (9th
2 Cir. 1985). The two formulations represent two points on a sliding scale with the focal point
3 being the degree of irreparable injury shown. Oakland Tribune, 762 F.2d at 1376. "Under any
4 formulation of the test, plaintiff must demonstrate that there exists a significant threat of
5 irreparable injury." Id. In the absence of a significant showing of possible irreparable harm, the
6 court need not reach the issue of likelihood of success on the merits. Id. Moreover, the court will
7 not entertain a motion for injunctive relief that is not supported by: (1) a declaration under penalty
8 of perjury on the question of irreparable injury, (2) a memorandum of points and authorities
9 addressing all legal issues raised by the motion, and (3) evidence of notice to all persons who
10 would be affected by the order sought. See Local Rule 231.

11 Here, plaintiff's application fails to address his likelihood of success on the merits or the
12 possibility of irreparable injury. Moreover, plaintiff's application fails to contain a declaration
13 under penalty of perjury on the question of irreparable injury or a memorandum of points and
14 authorities addressing all the relevant legal issues. Plaintiff's application for a stay, therefore,
15 will be denied without prejudice to its renewal by way of a properly supported motion.

16 Accordingly, IT IS HEREBY ORDERED that plaintiff's August 21, 2015 application for
17 a stay (Dkt. No. 4) is denied without prejudice to renewal.¹

18 Dated: September 29, 2015

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DALE A. DROZD
21 UNITED STATES MAGISTRATE JUDGE

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27 ¹ If plaintiff elects to file a renewed application for a stay of this action, his application should
28 not only address the legal principles discussed above but also the arguments raised by defendants
in their motions to dismiss, which are currently noticed for hearing before the undersigned on
October 30, 2015.