

1 request for elisor in the . . . Superior Court on May 17, 2017 to have the property in question in
2 this case returned to the trust to be sold.” (ECF No. 13 at 1.) He further indicates that a hearing
3 is scheduled in that case on June 26, 2017. (ECF No. 13 at 1.) Plaintiff requests a TRO
4 “enjoining and restraining the defendant from interfering with or proceeding with any action in
5 the Superior Court, as this case is pending in Federal Court.” (ECF No. 13 at 2.)

6 **II. LEGAL STANDARD**

7 The same legal standard applies to both preliminary injunctions and temporary restraining
8 orders. *Stuhlberg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001),
9 *overruled on other grounds*, *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7 (2008).

10 Preliminary injunctive relief is “an extraordinary remedy that may only be awarded upon a clear
11 showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22 (citing *Mazurek v.*
12 *Armstrong*, 520 U.S. 968, 972 (1997) (per curiam)).

13 Plaintiff must show four things to receive a preliminary injunction or temporary
14 restraining order. *Winter*, 555 U.S. at 20. First, Plaintiff must show that he is likely to suffer
15 irreparable harm in the absence of preliminary relief. *Id.* Second, Plaintiff must show that he is
16 likely to succeed on the merits. *Id.* Third, Plaintiff must show that the balance of equities tips in
17 his favor. *Id.* Finally, Plaintiff must show that an injunction is in the public interest. *Id.* Plaintiff
18 must “make a showing on all four prongs” of *Winter* to obtain a preliminary injunction. *Alliance*
19 *for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011). In the Ninth Circuit, courts
20 apply a sliding-scale approach. *Id.* Under this approach, a preliminary injunction may issue
21 where Plaintiff has raised “serious questions on the merits” — rather than a more complete
22 showing that he is likely to succeed on the merits — so long as the balance of hardships tips
23 sharply in his favor and he satisfies the other two *Winter* prongs. *Id.*

24 **III. DISCUSSION**

25 Plaintiff’s motion fails both procedurally and substantively. Procedurally, Plaintiff has
26 not complied with Eastern District Local Rule 231, which governs temporary restraining orders.
27 Rule 231 requires, among other things, that the party seeking a temporary restraining order file
28 the following documents with the Court:

1 (1) a complaint; (2) a motion for temporary restraining order; (3) a
2 brief on all relevant legal issues presented by the motion; (4) an
3 affidavit in support of the existence of an irreparable injury; (5) an
4 affidavit detailing the notice or efforts to effect notice to the
5 affected parties or counsel or showing good cause why notice
6 should not be given . . .; (6) a proposed temporary restraining order
7 with a provision for a bond . . .; (7) a proposed order with blanks
8 for fixing the time and date for hearing a motion for preliminary
9 injunction, the date for filing the responsive papers, the amount of
10 the bond, if any, and the date and hour of issuance . . .; and (8) in all
11 instances in which a temporary restraining order is requested ex
12 parte, the proposed order shall further notify the affected party of
13 the right to apply to the Court for modification or dissolution on
14 two (2) days' notice or such shorter notice as the Court may allow."

15 L.R. 231(c). Plaintiff has not filed all of the required items. For example he has not filed
16 "a brief on all relevant legal issues presented by the motion." *Id.* Additionally, his proposed
17 order does not comply with Local Rule 231(c)(7). His motion may be denied on these grounds
18 alone. *See Holcomb v. California Bd. of Psychology*, No. 2:15-cv-02154-KJM-CKD, 2015 WL
19 7430625, at *3 (E.D. Cal. Nov. 23, 2015) (indicating the Court had previously denied "plaintiff's
20 motion without prejudice for failure to provide the required documents in compliance with Local
21 Rule 231(c)").

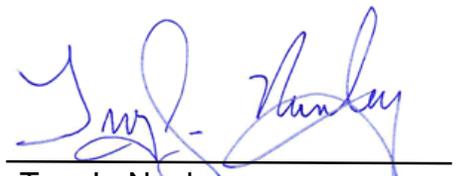
22 Substantively, Plaintiff's request also falls short. None of Plaintiff's submissions discuss,
23 let alone show, the balance of equities tips in his favor or that an injunction is in the public
24 interest. It follows that Plaintiff cannot "make a showing on all four prongs" of *Winter. Alliance*
25 *for the Wild Rockies*, 632 F.3d at 1135. The Court need not analyze each prong of *Winter* where
26 Plaintiff clearly cannot carry his burden. *Martin v. Select Portfolio Servicing, Inc.*, No. 2:16-cv-
27 01860-TLN-KJN, 2016 WL 4211520, at *5 (E.D. Cal. Aug. 10, 2016). In short, Plaintiff has not
28 satisfied *Winter* and his motion must be denied.

22 IV. CONCLUSION

23 For the reasons discussed above, Plaintiff's motion for a temporary restraining order (ECF
24 No. 13) is hereby DENIED without prejudice.

25 IT IS SO ORDERED.

26 Dated: June 13, 2017

27 
28 Troy L. Nunley
United States District Judge