

1 at 4-5. Plaintiffs also allege a Fourth Amendment claim for
2 unlawful, warrantless searches. See Compl.

3 Defendant filed its Opposition on September 7, 2017, and
4 Plaintiffs replied the following day. ECF Nos. 10 & 11.

5 To obtain either a TRO or preliminary injunction, a
6 plaintiff must satisfy the four-factor test set out in Winter v.
7 Natural Res. Def. Council, Inc., 555 U.S. 7 (2008). She must
8 establish that she (1) is likely to succeed on the merits,
9 (2) that she is likely to suffer irreparable harm in the absence
10 of preliminary relief, (3) that the balance of equities tips in
11 her favor, and (4) that an injunction is in the public interest.
12 Id. at 20.

13 Plaintiffs have not shown that irreparable harm is likely.
14 See id. (holding that irreparable harm must be likely, not just
15 possible). Plaintiffs will only owe penalties after an adverse
16 finding at a hearing. See Lenkner Decl., ECF No. 1-4, Exh. 1.
17 Such monetary injuries are not considered irreparable. Lydo
18 Enterprises, Inc. v. City of Las Vegas, 745 F.2d 1211, 1213 (9th
19 Cir. 1984). Further, as Defendant points out, a lien will only
20 issue against Plaintiffs' real property after an administrative
21 hearing which results in an adverse finding, and, then, only if
22 the assigned penalties are not paid within ninety days. Opp. at
23 2-3 (citing Ordinance § 9.06.165). An appeal to the Superior
24 Court would also delay further action. Id. At this point, the
25 alleged adverse impact on Plaintiffs' real property interest is
26 speculative.

27 Plaintiffs also have not shown that they are likely to
28 succeed on the merits of their claim. Although penalties begin

1 to accrue prior to a hearing date, Plaintiffs are not required to
2 pay any penalty until after a full administrative hearing, which
3 may be subject to an appeal that further extends the due date.
4 See Ordinance § 9.06.165. Plaintiffs have not shown that this
5 procedure is insufficient under Mathews v. Eldridge, 424 U.S. 319
6 (1976). To the extent Plaintiffs contend that Defendant's
7 compliance procedures amount to an unlawful search under the
8 Fourth Amendment, Plaintiffs' brief is both factually and legally
9 insufficient to persuade the Court that they are likely to
10 succeed on this claim.

11 For the reasons set forth above, Plaintiffs' Application for
12 Temporary Restraining Order and Preliminary Injunction is DENIED.

13 IT IS SO ORDERED.

14 Dated: September 11, 2017

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16 JOHN A. MENDEZ,
17 UNITED STATES DISTRICT JUDGE
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