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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LUCAS MOLO,  
Plaintiff,  
v.  
CAROLINE MOLO,  
Defendant.

Case No. 15-cv-03903-HSG  
**ORDER REGARDING MOTION FOR  
PRELIMINARY INJUNCTION AND  
OTHER RELIEF**  
Re: Dkt. No. 7

On August 26, 2015, Petitioner Lucas Molo filed a motion for preliminary injunction without notice, stay of state court custody proceedings, Federal Rule of Civil Procedure 43(a) relief, order to show cause, and expedited adjudication. Dkt. No. 7. Notice of the motion was not given to Respondent Caroline Molo.

The Court finds that Petitioner has failed to articulate a sufficient legal and factual basis to warrant departure from the normal requirements of service and written notice. Petitioner cites to 42 U.S.C. § 11604, but that statute merely provides general authority for the Court to “take or cause to be taken measures under Federal or State law, as appropriate, to protect the well-being of the child involved or to prevent the child’s further removal or concealment before the final disposition of the petition.” And Civil Local Rule 65-2 provides that “[m]otions for a preliminary injunction unaccompanied by a temporary restraining order are governed by Civil L.R. 7-2,” which requires motions to be “filed, served, and noticed in writing . . . for hearing not less than 35 days after filing of the motion,” “[e]xcept as ordered or permitted by the assigned Judge or these Local Rules.” On the record presented, the Court finds it inappropriate to excuse these service and notice requirements.

Petitioner is directed to serve and provide written notice of the present motion in compliance with L.R. 7-2. Once the motion is fully briefed, the Court will consider the merits of


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Petitioner’s requests.

In addition, the Court notes that Petitioner asserts in his verified petition that “Respondent and [his minor daughter] are presently located within the jurisdiction of the court . . . in Fairfield, California,” Dkt. No. 1 ¶ 4, and that the state court action Petitioner seeks to stay is pending in Solano County Superior Court, *id.* ¶¶ 62-63. Petitioner seeks a preliminary injunction to prevent Respondent from “removing [their daughter] from the Northern District of California.” Dkt. No. 7 ¶ 1. Solano County, in which Fairfield is located, is in the Eastern District of California, not the Northern District. In his next filing, Petitioner must explain why venue in the Northern District of California is appropriate. *See* 28 U.S.C. § 1391.

**IT IS SO ORDERED.**

Dated: August 27, 2015

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge