

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARDY MERRITT,
Plaintiff,
v.
HOUSING AND URBAN
DEVELOPMENT, et al.,
Defendants.

Case No. 24-cv-03968-MMC

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION**

By order filed July 16, 2024, the Court dismissed the above-titled action for lack of subject matter jurisdiction and, for the same reason, denied plaintiff's motion for an injunction, whereby plaintiff, who proceeds pro se, sought an order enjoining an unlawful detainer proceeding pending in state court.

Now before the Court is plaintiff's "Affidavit in Support of Motion for Reconsideration," filed July 19, 2024, whereby plaintiff seeks reconsideration of the order denying his motion for an injunction. In support of such request, plaintiff provides additional factual detail regarding his contention that the state court made errors in the course of the above-referenced state court action and asserts reconsideration is proper in light of those additional facts.

The Court, having read and considered the motion for reconsideration, rules as follows.

First, the motion is procedurally deficient, as plaintiff has not sought, much less obtained, leave to file a motion for reconsideration, as is required by the Local Rules of this District. See Civil L.R. 7-9(a).

Moreover, the motion fails on its merits. Contrary to plaintiff's argument, the Court

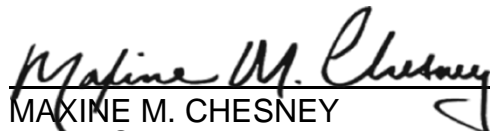
1 did not fail to consider material facts before denying the motion for an injunction. Indeed,
2 the motion was not denied due to a lack of facts, but, rather, as was explained in the
3 Court's prior Order, because district courts lack subject matter jurisdiction to enjoin state
4 court proceedings. See Atlantic Coast Line Railroad Co. v. Brotherhood of Locomotive
5 Engineers, 398 U.S. 281, 294-95 (1970) (holding district courts lack "power" to "enjoin
6 state court proceedings").

7 Accordingly, the motion is hereby DENIED.

8 **IT IS SO ORDERED.**

9

10 Dated: July 26, 2024


MAXINE M. CHESNEY
United States District Judge

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28