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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 RICHARD MARK HANSON, S.H, a  
12 minor,

13 Plaintiff,

14 v.

15 COUNTY OF SAN DIEGO; SAN  
16 DIEGO COUNTY HEALTH AND  
17 HUMAN SERVICES AGENCY; SAN  
18 DIEGO POLICE DEPARTMENT; and  
19 DOES 1–100,

Defendants.

Case No.: 18-cv-0689-JAH-MDD

**ORDER DENYING MOTION FOR  
PRELIMINARY INJUNCTION AND  
VACATING HEARING ON MOTION  
FOR PRELIMINARY INJUNCTION**

20 Pending before the Court is Plaintiff Richard Mark Hanson’s (“Plaintiff”),  
21 proceeding pro se, and on behalf of S.H., a minor, Motion for Preliminary Injunction. In  
22 his motion, Plaintiff moves this Court to “enjoin and prohibit” the County of San Diego  
23 and San Diego Police Department (“Defendants”) from taking any further action against  
24 S.H. [Doc. No. 4]. After a careful review of the pleadings filed by all parties, and for the  
25 reasons set forth below, Plaintiff’s Motion for Preliminary Injunction is **DENIED**.

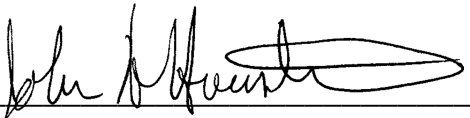
26 Pursuant to Rule 65 of the Federal Rules of Civil Procedure, the Court may grant  
27 preliminary injunctive relief or temporary restraining orders in order to prevent “immediate  
28 and irreparable injury.” Fed.R.Civ.P. 65(b). A preliminary injunction is an extraordinary

1 and drastic remedy, never awarded as of right. Munaf v. Geren, 553 U.S. 674, 689-90  
2 (2008) (citations omitted). This equitable relief is within the discretion of the Court after  
3 balancing various factors. Benda v. Grand Lodge of the Int'l Assoc. of Machinists &  
4 Aerospace Workers, 584 F.2d 308, 314 (9th Cir.1978). “A plaintiff seeking a preliminary  
5 injunction must establish that: (1) he is likely to succeed on the merits, (2) is likely to suffer  
6 irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in his  
7 favor, and (4) that an injunction is in the public interest.” Winter v. Natural Res. Def.  
8 Council, 555 U.S. 7, 20 (2008). The Ninth Circuit Court of Appeal has determined that its  
9 “serious questions” sliding scale test, which permits one element to offset a weaker one, is  
10 still viable after the four-part element test provided in Winter. See Alliance for the Wild  
11 Rockies v. Cottrell, 632 F.3d 1127, 1134 -35 (9th Cir. 2011). Therefore, a preliminary  
12 injunction may issue if the plaintiff demonstrates serious questions going to the merits and  
13 that the balance of hardships tip sharply in his favor, “so long as the plaintiff also shows  
14 that there is a likelihood of irreparable injury and that the injunction is in the public  
15 interest.” Id. at 1135.

16 Here, Plaintiff’s motion is vague, unclear, and fatally ambiguous. More importantly,  
17 Plaintiff has not established the likelihood of irreparable harm nor has he shown a  
18 likelihood of success on the merits of this case. Plaintiff filed this motion in order to stop  
19 “further action against S.H.,” however, Plaintiff fails to adequately articulate what is meant  
20 by “further action.” Absent a clear understanding of the activity Plaintiff seeks to enjoin,  
21 the Court is incapable of analyzing the irreparability of any alleged harm. Additionally, “a  
22 preliminary injunction may be denied on the sole ground that the plaintiff failed to raise  
23 even ‘serious questions’ going to the merits.” Vanguard Outdoor, LLC v. City of Los  
24 Angeles, 648 F.3d 737 (9th Cir. 2011). Here, Plaintiff does not address the merits of the  
25 underlying case whatsoever, and as such, fails to establish that even “serious questions”  
26 exist. Accordingly, Plaintiff’s Motion for Preliminary Injunction [Doc. No. 4] is **DENIED**  
27 **without prejudice**, and the hearing date scheduled for June 4, 2018 is **VACATED**.

28 **IT IS SO ORDERED.**

1 DATED: May 29, 2018

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4 JOHN A. HOUSTON  
5 United States District Judge

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