

**UNITED STATES DISTRICT COURT**

# DISTRICT OF NEVADA

Pele Lacruz Watkins, Sr.,

Plaintiff

V.

Teuton et al.,

## Defendants

2:16-cv-02425-JAD-GWF

## Order Denying Motions for Temporary Restraining Order and Preliminary Injunction

[ECF Nos. 5, 6]

10 Plaintiff has filed a “statement of removal” along with over 300 pages of initiating documents  
11 and an 83-page motion for a temporary restraining order and preliminary injunction.<sup>1</sup> Though no  
12 complaint has been filed, it appears that plaintiff is attempting to remove a case from the Eighth  
13 Judicial District Court’s family division and to sue the family-court judge who is presiding over his  
14 custody proceedings there. Because this case has not been properly commenced and plaintiff fails to  
15 show that he is entitled to preliminary injunctive relief, I deny the motions.

## Discussion

17 The legal standard for issuing a temporary restraining order and the legal standard for  
18 preliminary injunctive relief are “substantially identical.”<sup>2</sup> In *Winter v. Natural Resources Defense*  
19 *Council, Inc.*, the Supreme Court clarified that the standards “require[ ] a party to demonstrate ‘that  
20 he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of  
21 preliminary relief, that the balance of equities tips in his favor, and that [a temporary restraining  
22 order] is in the public interest.’”<sup>3</sup> “[I]f a plaintiff can only show that there are ‘serious questions

<sup>1</sup> The motions are duplicates docketed separately at ECF Nos. 5, 6.

<sup>2</sup> See *Stuhlbarg Intern. Sales Co. v. John D. Brush and Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (stating that the “analysis is substantially identical for the injunction and the TRO”).

<sup>3</sup> *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009) (quoting *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)).

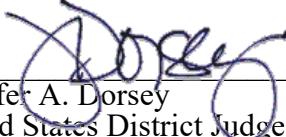
1 going to the merits'—a lesser showing than likelihood of success on the merits—then a preliminary  
2 injunction may still issue if the 'balance of hardships tips *sharply* in the plaintiff's favor,' and the  
3 other two *Winter* factors are satisfied."<sup>4</sup>

4 Plaintiff has not shown a likelihood of success on the merits or serious questions going to the  
5 merits of his claims because there is no operative complaint in this case, and thus there are no  
6 pending claims. Even if plaintiff had filed an operative complaint, I still would not grant him the  
7 relief he requests because it appears that the state-court family proceedings are still ongoing,  
8 implicate important state interests, and provide an adequate opportunity to litigate federal claims.<sup>5</sup>  
9 Additionally, Family Court Judge Teuton enjoys absolute immunity from liability for damages for  
10 his actions taken in those proceedings.<sup>6</sup>

## 11 Conclusion

12 Accordingly, plaintiffs' motions for temporary restraining order and preliminary injunction  
13 [ECF Nos. 5,6] are DENIED. If plaintiff desires to bring a lawsuit in this district, he must file a  
14 proper complaint.<sup>7</sup> If plaintiff does not file a proper complaint by January 16, 2017, this case will be  
15 dismissed without prejudice and without further notice.

16 Dated this 16th day of December, 2016.

17   
18 Jennifer A. Dorsey  
United States District Judge

23  
24 <sup>4</sup> *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013) (quoting with  
emphasis *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011)).

25  
26 <sup>5</sup> See *H.C. ex rel. Gordon v. Koppel*, 203 F.3d 610, 613–14 (9th Cir. 2000) (abstention required  
where child-custody proceedings were still ongoing).

27  
28 <sup>6</sup> *Forrester v. White*, 484 U.S. 219 (1988).

<sup>7</sup> See FRCP 8.