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11-CV-01490-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARILYN TAYLOR,

Plaintiff,

v.

JOHN H. HAMILTON/Owner and  
MICHELLE H. HUANG HAMILTON,  
Wife,

Defendants.

CASE NO. C11-1490MJP

ORDER DENYING PLAINTIFF'S  
MOTION FOR A PRELIMINARY  
INJUNCTION

This matter comes before the Court on Plaintiff's motion for a preliminary injunction (Dkt. No. 13). Having reviewed the motion, Defendants' response (Dkt. No. 22), and all related filings, the Court DENIES Plaintiffs' motion for a preliminary injunction.

Plaintiff, who is pro se, filed a "request for a protection order, injunction and declaratory relief" (Dkt. No. 13-1) on October 24, 2011, asking the Court to stop Defendants from harassing her, sending her letters, trespassing in the room she rented in their house, and proceeding with their state court eviction proceedings against her. The Court construed Plaintiff's filing as a standalone motion for a preliminary injunction. (Dkt. No. 17.)

1 To prevail in a motion for a preliminary injunction, a plaintiff must establish that she is  
2 likely to succeed on the merits, that she is likely to suffer irreparable harm in the absence of  
3 preliminary relief, that the balance of equities tips in her favor, and that an injunction is in the  
4 public interest. Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). A district court  
5 is not required to make specific findings on all four factors in deciding a motion for a  
6 preliminary injunction if fewer factors are dispositive of the issue. Global Horizons, Inc. v.  
7 United States Dep't of Labor, 510 F.3d 1054 (9th Cir. 2007). "Once a court determines a  
8 complete lack of probability of success or serious questions going to the merits, its analysis may  
9 end, and no further findings are necessary." Id. at 1058.

10 Here, Plaintiff's pleadings, even when liberally construed, are not sufficient to establish a  
11 likelihood that she will prevail on the merits of her claim or that she will suffer irreparable harm  
12 absent an injunction. First, Plaintiff's limited, one-page pleading does not establish that she is  
13 likely to succeed on the merits of her claim. Plaintiff already had an opportunity to litigate this  
14 matter in state court proceedings, and she was unsuccessful. (See Dkt. No. 28, Ex. A, Findings of  
15 Fact, Conclusions of Law, Judgment, and Order Dismissing Counterclaims and Vacating Stay,  
16 entered in Hamilton v. Taylor, King County Cause No. 11-2-32247-5 SEA on Nov. 4, 2011.)  
17 Additionally, Plaintiff's conclusory allegations of harassment and discrimination do not  
18 overcome the multitude of evidence presented by Defendant, including the declarations of  
19 numerous other tenants. (See Dkts. No. 23-34.) Absent Plaintiff's showing she is likely to  
20 succeed on the merits of her case, the Court is disinclined to grant a preliminary injunction.


21 Second, Plaintiff does not succeed in showing she will suffer irreparable harm absent an  
22 injunction. Injunctive relief is "an extraordinary remedy that may only be awarded upon a clear  
23 showing that the plaintiff is entitled to such relief." Winter, 555 U.S. at 22. Irreparable injury is  
24

1 an injury for which the court could not compensate the movant should the movant prevail in the  
2 final decree. See Int'l Bhd. of Teamsters v. Local 810, 19 F.3d 786, 794 (2d Cir. 1994). Here,  
3 Plaintiff does not show that she suffers an injury which the Court cannot compensate her for  
4 should she eventually prevail. Each of the injuries Plaintiff alleges—trespass, retaliation,  
5 unlawful eviction, and unlawful discrimination—can be remedied by an award of money  
6 damages. Injunctive relief is therefore inappropriate.

7 The Court finds that Plaintiff has not established a likelihood that she will prevail on the  
8 merits or that she will suffer irreparable harm absent an injunction. Plaintiff's motion for a  
9 preliminary injunction is therefore DENIED.

10 The clerk is ordered to provide copies of this order to all counsel.

11 Dated November 22, 2011.

12  
13   
14 Marsha J. Pechman  
United States District Judge