

1 This breach of contract case was filed by Plaintiff, *pro se*, who is a prisoner proceeding *in*
2 *forma pauperis* (“IFP”). Dkts. 1, 6, and 7. He claims, in part, that the Defendant publishing
3 company failed to pay him royalties on books that he wrote. Dkt. 7.

4 On July 21, 2017, the Court directed the Clerk of the Court to send to Defendant by U.S.
5 mail at the address provided in the summons filled out by Plaintiff (Dkt. 10): copies of Plaintiff’s
6 Complaint (Dkt. 7), the order directing service, the notice of lawsuit and request for waiver of
7 service of summons, and a waiver of service of summons. Dkt. 13. On August 21, 2017, a
8 waiver of service of summons was returned to the court, signed by “Melissa M. Bauer, Secretary
9 Get Published! LLC, successor in interest to Trafford Publishing, LLC, 1663 Liberty Drive,
10 Bloomington, IN, 47403.” Dkt. 21.

11 On September 5, 2017, Plaintiff filed this Motion to Appoint Mediator as Established by
12 Local Rule 7 (f). Dkt. 23. In this pleading, Plaintiff states that it is “[his] deepest desire to
13 resolve this dispute amicably,” and so moves for appointment of a mediator. *Id.* He asserts that
14 “this forum will best serve resolution in civil suit pretrial.” *Id.*

15 On September 13, 2017, Plaintiff filed a motion for default judgment, asserting that
16 default judgment should be entered against Defendant for failure to appear and to be represented
17 by an attorney admitted to practice before this Court. Dkt. 33.

18 He also filed a motion for a temporary restraining order (“TRO”) against the Defendant.
19 Dkt. 32. Plaintiff argues in that motion, “that until this lawsuit is resolved, it is not fair for
20 Defendant to continue to gain financially from Plaintiff’s copyrighted work.” *Id.* Plaintiff noted
21 the motion for September 13, 2017. *Id.* This motion was entered into the case docket after the
22 Court denied, on September 14, 2017, Plaintiff’s motion for a TRO (Dkt. 26) “to stop Defendant
23 from selling any of Plaintiff’s books nationally and internationally ‘until this civil suit is settled
24

1 or otherwise resolved.” Dkt. 28. Plaintiff has also filed motions for TROs to force the Pierce
2 County, Washington jail, where he is being held, to pay for his postage and copies on all legal
3 documents. Dkts. 24 and 26. Both of those motions were denied. Dkts. 25 and 27.

4 On September 19, 2017, Defendant appeared and filed an Answer to the Complaint. Dkt.
5 28. (In the Court’s September 20, 2017 order, a typographical error appears: the order states that
6 “[o]n October 19, 2017, defense counsel appeared for Defendant and Defendant filed an
7 Answer to the Complaint.” Defense counsel appeared and an answer was filed on September 19,
8 2017. Dkt. 28. The Court’s September 20, 2017 order (Dkt. 31), page 2, line 3 should be
9 amended as follows: the month of “October” is changed to “September” to properly reflect the
10 docket.)

11 On September 22, 2017, Defendant filed a response opposing Plaintiff’s motion for a TRO.
12 Dkt. 35. Defendant argues that the Plaintiff fails to show that he is entitled to a TRO, and in any
13 event, it has “immediately placed a hold on all distribution of Plaintiff’s books,” so Plaintiff
14 cannot demonstrate irreparable harm if the TRO is not granted. *Id.*

15 This opinion will first address Plaintiff’s motion for appointment of a mediator, then his
16 motion for default judgment, and lastly, his motion for a TRO.

17 II. DISCUSSION

18 **Motion for Appointment of Mediator.** Plaintiff’s Motion to Appoint Mediator as
19 Established by Local Rule 7 (f) (Dkt. 23) should be denied without prejudice. Local Rule 7 (f)
20 does not apply to Plaintiff’s motion; it addresses motions to file over-length briefs. Under Local
21 Rule 39.1 (c)(1), the parties may, by stipulation, move “for mediation under this rule at any
22 time.” While mediation may be a possible way to resolve this dispute, the Defendant did not join
23 in this motion as is required in a stipulation. This motion should be denied without prejudice.

- 1 • Plaintiff's Motion for Default Judgment (Dkt. 33) **IS DENIED**; and
- 2 • Plaintiff's Motion Requesting Temporary Restraining Order (Dkt. 32) **IS**
- 3 **DENIED.**

4 The Clerk is further directed to send uncertified copies of this Order to all counsel of
5 record and to any party appearing pro se at said party's last known address.

6 Dated this 26th day of September, 2017.

7 

8 ROBERT J. BRYAN
9 United States District Judge