

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Andrejev v. Trotsiouk

Andrejev · No. 2:25-cv-01394-DC-CSK PS · Decided August 28, 2025

SUMMARY

The United States Magistrate Judge recommends denying Galina V. Andrejev’s motion for a temporary restraining order seeking immediate access to her elderly mother. The recommendation concludes that the motion failed to satisfy the notice and proposed-order requirements of Federal Rule of Civil Procedure 65(b)(1) and Eastern District of California Local Rule 231. The parties were advised that objections may be filed within 14 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 28, 2025
DOCKET	2:25-cv-01394-DC-CSK PS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a temporary restraining order under Federal Rule of Civil Procedure 65. The magistrate judge issued findings and recommendations recommending denial of the motion because Plaintiff failed to satisfy the notice and proposed-order requirements for a temporary restraining order.
STANDARD OF REVIEW	A temporary restraining order without notice may issue only when specific facts show that immediate and irreparable injury will occur before the opposing party can be heard and the movant certifies efforts to provide notice and reasons notice should not be required. Fed. R. Civ. P. 65(b)(1). Compliance with applicable local-rule requirements is also required.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Galina V. Andreyev v. Marcella Trotsiouk, Igor Trotsiouk, Jane Doe 1, Jane Doe 2, Sacramento County Adult Protective Services, John Does 1 and 2, Sacramento County Sheriff's Office, Jim Cooper

TOPICS

injunctions

civil procedure

guardianships

elder law

government liability

PRACTICE AREAS

civil procedure

injunctive relief

civil rights

guardianships

elder law

QUESTIONS PRESENTED

1. Whether Plaintiff's motion for a temporary restraining order could be granted when she failed to provide notice to the affected parties or explain why notice should not be required under Federal Rule of Civil Procedure 65(b)(1)(B).
2. Whether Plaintiff's failure to submit documents required by Eastern District of California Local Rule 231 warranted denial of the temporary restraining order.

HOLDINGS

1. A temporary restraining order without notice may not issue when the movant does not provide notice to the affected parties, make reasonable efforts to provide notice, or explain why notice should not be required as required by Federal Rule of Civil Procedure 65(b)(1)(B).
2. Failure to comply with the local rule governing temporary restraining orders, including the requirements to provide notice and submit required proposed orders and supporting documents, independently justified denial of the motion.

KEY QUOTATIONS

"Federal Rule of Civil Procedure 65(b)(1) permits the court to issue a TRO without notice to the adverse party only if (1) specific facts in the affidavit or underlying pleading show that immediate and irreparable injury, loss, or damage will result before the opposing party may be heard; and (2) the movant certifies in writing efforts made to give notice and the reasons why notice should not be required." (at 3)

"The Court therefore recommends denial of Plaintiff's temporary restraining order motion based on these procedural deficiencies." (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that she held a power of attorney for her mother, witnessed abuse and improper medication of her mother, and was denied access to her mother by private caregivers. She alleged that a temporary conservatorship had invalidated her power of attorney and that county protective-services and sheriff's personnel failed to investigate abuse reports or enforce court orders. Plaintiff claimed that she had been isolated from her mother for more than twenty-two months and sought immediate access through a temporary restraining order.

PROCEDURAL HISTORY

Plaintiff filed the complaint and an application to proceed in forma pauperis on May 16, 2025. Defendants Marcella and Igor Trotsiouk moved to dismiss for insufficient service of process, but the motion was denied as premature. Plaintiff then moved for a temporary restraining order, and the district judge referred that motion to the magistrate judge for findings and recommendations.

DISPOSITION

other

REMAND INSTRUCTIONS

The findings and recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b)(1). The parties were given fourteen days after service to file objections and fourteen days thereafter for replies.

CASES CITED

- Reno Air Racing Ass'n, Inc. v. McCord, 452 F.3d 1126, 1131 (9th Cir. 2006)
- Abdel-Malak v. Doe, 2020 WL 5775818, at *1 (C.D. Cal. Feb. 20, 2020)
- Seymour v. U.S. Dep't of Def., 2010 WL 3385994, at *1 (S.D. Cal. Aug. 26, 2010)
- Roman v. Nw. Tr. Servs., Inc., 2010 WL 3489962, at *1 (W.D. Wash. Aug. 31, 2010)
- Tri-Valley CAREs v. U.S. Dep't of Energy, 671 F.3d 1113, 1131 (9th Cir. 2012)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153, 1156-57 (9th Cir. 1991)