

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Gilbert Doro Gonzales v. JP Morgan Chase, N.A.

Gonzales · No. 5:25-cv-00639-SSS-DTBx · Decided May 2, 2025

SUMMARY

The United States District Court for the Central District of California denied Plaintiffs Gilbert Doro Gonzales and Maria Elva Gonzales’s emergency motion for a preliminary injunction seeking to halt foreclosure proceedings and prevent eviction. The court concluded that Plaintiffs had not established a basis for emergency relief, the foreclosure sale had already occurred, and the court lacked jurisdiction to enjoin Good Neighbor Homes LLC, which was not a party to the action. The court also struck a duplicative filing.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sunshine S. Sykes
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 2, 2025
DOCKET	5:25-cv-00639-SSS-DTBx
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs proceeding pro se moved for a preliminary injunction to halt a foreclosure sale and prevent their eviction. The district court denied the motion and struck a duplicative filing.
STANDARD OF REVIEW	A preliminary injunction requires a showing of likely success on the merits, likely irreparable harm absent relief, a favorable balance of equities, and consistency with the public interest.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Gilbert Doro Gonzales, Maria Elva Gonzales v. JP Morgan Chase, N.A., Other defendants

TOPICS

- injunctions
- foreclosure
- eviction
- personal jurisdiction
- civil procedure

PRACTICE AREAS

civil procedure

real estate

foreclosure

remedies

QUESTIONS PRESENTED

1. Whether Plaintiffs established the requirements for a preliminary injunction halting foreclosure or preventing eviction.
2. Whether the court could enjoin Good Neighbor Homes LLC, a purchaser at the foreclosure sale that was not a party to the action and had not been served.
3. Whether the duplicative second filing should be struck.

HOLDINGS

1. Plaintiffs were not entitled to a preliminary injunction because they failed to establish that the requested emergency relief was justified, including by failing to show a likelihood of success on the merits and by seeking relief that was unclear or unavailable.
2. The court could not enjoin Good Neighbor Homes LLC because it was not a party, was not named in the operative complaint, had not been served, and was not subject to the court's personal jurisdiction.
3. The second request for a preliminary injunction was struck as duplicative because it was identical to the first filing.

KEY QUOTATIONS

“A federal court may issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to determine the rights of persons not before the court.” (at 2-3)

FACTUAL BACKGROUND

Plaintiffs sought to halt foreclosure proceedings involving their home and to prevent their eviction. Plaintiffs conceded that the foreclosure sale had already occurred and alleged that Good Neighbor Homes LLC purchased the property and planned to evict them within 60 days. Good Neighbor Homes LLC was not a defendant, was not named in the operative complaint, and had not been served.

PROCEDURAL HISTORY

The court had previously denied three applications by Plaintiffs for temporary restraining orders and other emergency relief because Plaintiffs failed to provide required notice, failed to justify ex parte relief, and failed to show a likelihood of success on the merits. Plaintiffs filed another emergency motion for a preliminary injunction and an identical second filing. The court denied the motion and struck the second filing as duplicative.

DISPOSITION

other

CASES CITED

- Winter v. Nat. Res. Def. Council, 555 U.S. 7, 20 (2008)
- U.S. Philips Corp. v. KBC Bank N.V., 590 F.3d 1091, 1094 (9th Cir. 2010)
- Masjedi v. Fed. Commc'ns Comm'n, No. CV 24-7605, 2024 WL 4834285, at *3 (C.D. Cal. 2024)
- Zepeda v. I.N.S., 753 F.2d 719, 727 (9th Cir. 1985)
- Best Buy Produce Int'l, Inc. v. Produceland & Trading, Inc., No. 2:24-CV-03207, 2024 WL 4875380, at *2-*3 (C.D. Cal. Apr. 19, 2024)

OPINION

Gilbert Doro Gonzales v. JP Morgan Chase, N.A.

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—

GENERAL

Case No. 5:25-cv-00639-SSS-DTBx Date May 2, 2025 Title Gilbert Doro Gonzales et al. v. JP Morgan Chase, N.A. et al. Present: The Honorable SUNSHINE S. SYKES, UNITED STATES DISTRICT JUDGE Irene Vazquez Not Reported Deputy Clerk Court Reporter Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s): None Present None Present Proceedings: (IN CHAMBERS) ORDER DENYING EMERGENCY

MOTION FOR A PRELIMINARY INJUNCTION [DKT. 58]

AND STRIKING DUPLICATIVE FILING [DKT. 62]

Plaintiffs Gilbert Doro Gonzales and Maria Elva Gonzales move for a preliminary injunction to halt the foreclosure sale of their home and prevent their eviction. [Dkt. 58, “PI Motion”; Dkt. 62].¹ Having reviewed Plaintiffs’ arguments and their attached exhibits, the motion is DENIED. The Court recounted the history of the case in its previous orders. [Dkt. 7, “First TRO Order”; Dkt. 12, “Second TRO Order”; Dkt. 55, “Third TRO Order”]. The Court has previously denied three applications by Plaintiffs for a temporary restraining order and other emergency relief. [Id.]. The Court denied the applications on the grounds that Plaintiffs had not given Defendants notice, not 1 The second filed request for a preliminary injunction is identical to the first, and appears to be a duplicative filing. As such, the Court STRIKES the second motion. [Dkt. 62] explained why the Court needed to grant the ex parte application before Defendants could be heard, and did not show a likelihood of success on the merits. Plaintiffs have returned for a fourth time with a new motion for emergency relief. Now, Plaintiffs request a preliminary injunction to halt the foreclosure sale, and to halt their eviction. [PI Motion at 10]. It is again unclear whether Plaintiffs intend for their motion to be treated as a motion for a preliminary injunction, in which case they would have needed to notice their motion for hearing before the Court, or as an application for a temporary restraining order, in which case, Plaintiffs must explain whether it gave notice to Defendants and

why the motion must be heard before Defendants can be heard in opposition. Plaintiffs have done neither.² The Court, however, will go on to explain why their application must be denied. For the Court to issue a preliminary injunction, Plaintiffs must show: (1) they are “likely to succeed on the merits” of its underlying claims, (2) they are “likely to suffer irreparable harm in the absence of preliminary relief,” (3) “the balance of equities tips in [its] favor,” and (4) the requested injunction “is in the public interest.” *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20

(2008). Additionally, the purpose of emergency relief “is to preserve the status quo and the rights of the parties until a final judgment issues in the cause.” *U.S. Philips Corp. v. KBC Bank N.V.*, 590 F.3d 1091, 1094 (9th Cir. 2010). ² The Court recognizes that Plaintiffs are proceeding pro se. However, the Court reminds Plaintiffs that they must comply with the Local Rules of the Central District of California and the Court’s Civil Standing Order, both of which are available on the Court’s website. *Masjedi v. Fed. Commc’ns Comm’n*, No. CV 24- 7605 2024 WL 4834285, at *3 (C.D. Cal. 2024) (noting that plaintiffs’ “pro se status does not excuse or exempt [them] from complying with the Federal Rules of Civil Procedure, the Local Rules, and this Court’s orders”). Future failures to comply with the Local Rules of this Court and this Court’s Civil Standing Order will result in the striking of documents or other action as necessary. The Court also advises Plaintiffs that repeated requests for emergency relief, on the same grounds as this motion, are unlikely to be entertained. Compliance with these rules is important because as Plaintiffs invoke due process concerns, those same concerns apply to Defendants. Every party has a right to be heard before this Court. In addition to the deficiencies identified in the Court’s previous three orders, there are two key defects with this motion. [See generally First TRO Order; Second TRO Order; Third TRO Order]. First, Plaintiffs concede the foreclosure sale has already occurred, so the Court is unclear exactly what proceedings the Plaintiffs would have the Court enjoin. [PI Motion at 10 (requesting the Court “halt foreclosure proceedings until the case is resolved”)]. Absent a concrete showing Plaintiffs are entitled to relief, the Court cannot grant their motion. Second, Plaintiffs ask the Court “prevent[] Defendants from evicting Plaintiffs from their home,” but the Court is without power to do so. [Id.]. In eviction cases, the purchaser at foreclosure is exercising their right to evict the Current occupants of the property. According to Plaintiffs, Good Neighbor Homes LLC bought their property and is planning to evict them in 60 days. [PI Motion Ex. C]. Good Neighbor Homes LLC is not a Defendant to this action, they are not mentioned in the operative complaint, they have not been served, and so the Court lacks jurisdiction over them. *Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1985) (“A federal court may issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to determine the rights of persons not before the court.”); *Best Buy Produce Int’l, Inc. v. Produceland & Trading, Inc.*, No. 2:24-CV-03207, 2024 WL 4875380, at *2–*3 (C.D. Cal. Apr. 19, 2024) (denying motion for temporary restraining order and preliminary injunction “[b]ecause Plaintiffs have not served Defendants” and so the Court “lack[ed] jurisdiction”). The Court cannot grant the relief Plaintiffs seek. Accordingly, the motion is

DENIED for failure to show such relief is justified. The Motion at Docket Entry 62 is STRICKEN as duplicative. IT IS SO ORDERED.

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