

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lawson-King v. Neighbor to Neighbor Homes, LLC

Lawson-King · No. 2:25-cv-01299-DC-CKD (PS) · Decided May 7, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Plaintiff Janice Lawson-King’s pro se motion for a temporary restraining order concerning alleged foreclosure or eviction from real property. The court found that Plaintiff failed to satisfy notice and timeliness requirements under Federal Rule of Civil Procedure 65 and Local Rule 231, and that her unclear and contradictory allegations did not establish entitlement to injunctive relief.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena M. Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 7, 2025
DOCKET	2:25-cv-01299-DC-CKD (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se motion for a temporary restraining order shortly after initiating the action. The district court denied the motion without setting it for a hearing and referred the matter to the assigned magistrate judge for further proceedings.
STANDARD OF REVIEW	A temporary restraining order is governed by a standard substantially identical to that governing a preliminary injunction. The moving party must establish the Winter factors, although Ninth Circuit courts may apply a sliding-scale approach when the balance of hardships tips sharply in the movant's favor.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court order
PARTIES	Janice Lawson-King v. Neighbor to Neighbor Homes, LLC, Wells Fargo Bank, Western Progressive, LLC

TOPICS

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foreclosure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Plaintiff satisfied Federal Rule of Civil Procedure 65(b)(1) and Eastern District of California Local Rule 231's procedural requirements for a temporary restraining order.
2. Whether Plaintiff established the likelihood of success on the merits, likelihood of irreparable harm, favorable balance of equities, and public interest required for temporary injunctive relief.
3. Whether the ambiguity and contradictory nature of Plaintiff's claims and requested relief prevented the court from finding entitlement to a temporary restraining order.

HOLDINGS

1. Plaintiff did not satisfy Federal Rule of Civil Procedure 65(b)(1) or Local Rule 231 because the record did not establish actual notice to Defendants, extraordinary circumstances justifying relief without notice, or compliance with the required notice documentation.
2. The court could deny the temporary restraining order based on Plaintiff's undue delay in seeking emergency relief.
3. Plaintiff failed to establish a likelihood of success on the merits, a likelihood of irreparable harm, that the balance of equities favored her, or that an injunction was in the public interest.

KEY QUOTATIONS

"The standard governing the issuing of a temporary restraining order is "substantially identical" to the standard for issuing a preliminary injunction." (at 2)

"Nevertheless, injunctive relief is "an extraordinary remedy that may only be awarded upon a clear showing that plaintiff is entitled to such relief." (at 2)

FACTUAL BACKGROUND

Plaintiff alleged that she resided at and owned property in Elk Grove, California. Her complaint appeared to assert adverse possession and claims under several federal statutes, while also referring to a foreclosure and an unlawful detainer action. Her motion sought to prevent foreclosure or sale of the property, but an attached checklist suggested she sought to stop an eviction scheduled within five days. Plaintiff stated that a notice of trustee sale had been recorded in November 2024 and that a foreclosure sale had been scheduled for December 4, 2024, but she did not seek emergency relief until more than five months later.

PROCEDURAL HISTORY

Plaintiff filed the complaint, an application to proceed in forma pauperis, and a motion for a temporary restraining order on May 6, 2025. The requested relief was unclear and appeared variously directed at

foreclosure, a foreclosure sale, or an impending eviction. The court denied the motion because Plaintiff failed to satisfy the procedural requirements for emergency injunctive relief and failed to establish the substantive requirements for a temporary restraining order.

DISPOSITION

other

REMAND INSTRUCTIONS

The motion for a temporary restraining order was denied, and the matter was referred to the assigned magistrate judge for further proceedings.

CASES CITED

- *Granny Goose Foods, Inc. v. Bhd. of Teamsters*, 415 U.S. 423, 439 (1974)
- *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20, 22 (2008)
- *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131-35 (9th Cir. 2011)
- *Where Do We Go Berkeley v. Cal. Dep't of Transp.*, 32 F.4th 852, 859 (9th Cir. 2022)
- *Thawani v. Robertson*, No. 16-cv-03732-JCS, 2016 WL 4472986, at *1 (N.D. Cal. July 18, 2016), report and recommendation adopted, No. 16-cv-03732-WHA, 2016 WL 4436308 (N.D. Cal. Aug. 23, 2016)
- *Reno Air Racing Ass'n, Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006)
- *Abdel-Malak v. Doe*, No. 5:20-cv-00322-CJC-KK, 2020 WL 5775818, at *1 (C.D. Cal. Feb. 20, 2020)
- *Tri-Valley CAREs v. U.S. Dep't of Energy*, 671 F.3d 1113, 1131 (9th Cir. 2012)
- *Genesoto v. Ryan Remington the Mortg. L. Firm*, No. 2:19-cv-00282-KJM-AC, 2019 WL 633465, at *1-2 (E.D. Cal. Feb. 14, 2019)

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