

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Eswaran v. McTighe

Eswaran · No. 2:25-cv-02282-DAD-CKD (PS) · Decided August 14, 2025

SUMMARY

The document contains findings and recommendations by a United States magistrate judge recommending denial of Suresh Eswaran’s motion for a temporary restraining order against Colonel Robert McTighe, in his official capacity as District Commander of the U.S. Army Corps of Engineers, Sacramento District. The court found the motion procedurally deficient under Federal Rule of Civil Procedure 65 and Eastern District of California Local Rule 231. The court also concluded that plaintiff had not shown a likelihood of success on the merits or a likelihood of irreparable harm concerning alleged environmental impacts from Project 3B along the American River.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 14, 2025
DOCKET	2:25-cv-02282-DAD-CKD (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a temporary restraining order under Federal Rule of Civil Procedure 65(b). The magistrate judge issued findings and recommendations recommending that the motion be denied; the assigned district judge was to review any objections.
STANDARD OF REVIEW	Temporary restraining order and preliminary-injunction requests are evaluated under the Winter factors: likelihood of success on the merits, likelihood of irreparable harm, balance of equities, and the public interest. A court may also apply the Ninth Circuit sliding-scale approach, but likelihood of success is a threshold and particularly important inquiry.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Suresh Eswaran v. Robert McTighe

TOPICS

injunctions civil procedure environmental law administrative procedure act
judicial review of agency action

PRACTICE AREAS

civil procedure environmental law administrative law injunctive relief

QUESTIONS PRESENTED

1. Whether plaintiff's motion for a temporary restraining order complied with Federal Rule of Civil Procedure 65(b) and Eastern District of California Local Rule 231.
2. Whether plaintiff demonstrated a likelihood of success on the merits sufficient to support temporary injunctive relief.
3. Whether plaintiff demonstrated an imminent likelihood of irreparable harm absent temporary injunctive relief.

HOLDINGS

1. A temporary restraining order motion may be denied when the movant fails to comply with Rule 65(b) and applicable local requirements concerning briefing, notice or efforts to provide notice, a bond provision, and required provisions in the proposed order.
2. Plaintiff was not entitled to a temporary restraining order because he failed to demonstrate a likelihood of success on the merits.
3. Plaintiff was not entitled to a temporary restraining order because he failed to show that irreparable harm was imminent.

KEY QUOTATIONS

“The purpose of a temporary restraining order under Rule 65(b) of the Federal Rules of Civil Procedure is to preserve the status quo and to prevent irreparable harm “so long as is necessary to hold a hearing, and no longer.”” (at 2)

“Without showing a likelihood of success on the merits, plaintiff also does not establish that the balance of equities tips in his favor, or that an injunction is in the public interest.” (at 2)

“Speculative injury does not constitute irreparable injury sufficient to warrant granting a preliminary injunction.” (at 7)

FACTUAL BACKGROUND

Suresh Eswaran alleged that he lived adjacent to the American River and was harmed by environmental impacts from Project 3B. He alleged that the U.S. Army Corps of Engineers had authorized or removed approximately 500 mature trees and planned additional tree removal and installation of artificial revetments. He sought to halt

operations associated with the project, asserting violations of the National Environmental Policy Act, the Administrative Procedure Act, the Public Trust Doctrine, and an alleged failure to provide adequate information.

PROCEDURAL HISTORY

Plaintiff filed a fee-paid civil complaint and motion for a temporary restraining order on August 12, 2025. The district judge referred the motion to Magistrate Judge Carolyn K. Delaney for findings and recommendations. The magistrate judge recommended denial because the motion was procedurally deficient and did not establish likelihood of success or imminent irreparable harm.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The findings and recommendations were submitted to the assigned district judge, and the parties were given fourteen days after service to file objections.

CASES CITED

- *Granny Goose Foods, Inc. v. Bhd. of Teamsters*, 415 U.S. 423, 439 (1974)
- *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20-21 (2008)
- *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131, 1135 (9th Cir. 2011)
- *Where Do We Go Berkeley v. California Dep't of Transp.*, 32 F.4th 852, 859 (9th Cir. 2022)
- *Baird v. Bonta*, 81 F.4th 1036, 1040, 1044 (9th Cir. 2023)
- *Johnson v. Couturier*, 572 F.3d 1067, 1083 (9th Cir. 2009)
- *Flynt Distrib. Co. v. Harvey*, 734 F.2d 1389, 1394 (9th Cir. 1984)
- *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)
- *Nible v. Macomber*, 2024 WL 2133319, at *2 (E.D. Cal. May 13, 2024)
- *Tri-Valley CAREs v. U.S. Dep't of Energy*, 671 F.3d 1113, 1131 (9th Cir. 2012)
- *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972)
- *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995)
- *Los Angeles Mem'l Coliseum Comm'n v. Nat'l Football League*, 634 F.2d 1197, 1201 (9th Cir. 1980)
- *FDIC v. Garner*, 125 F.3d 1272, 1279 (9th Cir. 1997)
- *Caribbean Marine Servs. Co. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988)
- *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998)
- *Martinez v. [name illegible]*, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

