

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA**

**Anna M. Murphy v. Charley D. Smith et al.**

Murphy v. Smith · No. 2:25-cv-03275-DAD-JDP · Decided November 13, 2025

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**OPINION**

Anna M. Murphy v. Charley D. Smith et al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ANNA M. MURPHY, No. 2:25-cv-03275-DAD-JDP

12 Plaintiff,

13 v. ORDER DENYING PLAINTIFF’S EX PARTE

MOTION FOR A TEMPORARY

14 CHARLEY D. SMITH et al., RESTRAINING ORDER

15 Defendants. (Doc. No. 2) 16 17 18 This matter is before the court on an ex parte motion for a  
temporary restraining order 19 filed on November 12, 2025 by plaintiff Anna M. Murphy,  
proceeding pro se. (Doc. No. 2.) For 20 the reasons stated below, plaintiff’s ex parte motion for a  
temporary restraining order will be 21 denied.

22 BACKGROUND

23 On November 12, 2025, plaintiff filed a complaint against defendants Charley D. Smith, 24  
Ranger John Henderson, Damon Smith, Ryan Smith, Winged’s Ranch, LLC, The Charley D. 25  
Smith Living Trust, The Charley D. Smith Family Trust, and Placer County. (Doc. No. 1 at 1.) 26  
In her complaint, plaintiff alleges as follows.

27 In 2012, plaintiff began residing at 6010 McCourtney Road in Lincoln, California. (Id. at  
28 ¶ 20.) The property includes a separate dwelling located at 6020 McCourtney Road that  
plaintiff 1 rents to a tenant. (Id.) Defendant Charley Smith (“defendant Smith”), induced plaintiff  
to invest 2 in and improve his properties, including the property located at 60301 McCourtney  
Road, 3 resulting in the parties executing a residential lease with an option to purchase and a  
contract for 4 deed. (Id. at ¶¶ 22–23.) As part of her down payment for the contract of deed,  
plaintiff 5 transferred a Florida property that she owned to defendant Smith, “which Smith  
structured as a 6 non-refundable asset, effectively locking Plaintiff into the deal.” (Id. at ¶ 24.)  
Defendant Smith 7 subsequently altered the contract of deed, which consequently eliminated all  
protections that 8 plaintiff previously enjoyed under the agreement. (Id. at ¶ 25.) That altered

document was then 9 recognized as an equitable mortgage in a June 6, 2017 ruling issued by the Placer County 10 Superior Court. (Id. at ¶ 26.) 11 According to plaintiff, the Placer County Superior Court “systematically failed to protect” 12 her rights. (Id. at ¶ 45.) For example, in ruling on a motion for summary judgment in a civil 13 proceeding before it, that court concluded that plaintiff failed to show that she owned the 14 property. (Id. at ¶ 50.) The state court also failed to enforce the 2017 ruling that the contract for 15 deed was a security device and plaintiff held an equitable interest in the property. (Id. at ¶ 49.) 16 On December 18, 2020, the Placer County Superior Court issued judgment in favor of defendant 17 Smith on several of the claims that he brought against plaintiff in his cross-complaint in the state 18 court proceedings. (Doc. No. 1 at 200–201.) In its ruling, the state court concluded that Smith 19 20 1 While it is unclear whether plaintiff misstates the address as 6030, plaintiff attaches to her complaint numerous exhibits, including previous state court judgments regarding the property at 21 issue, which the court construes as part of plaintiff’s complaint. See *George v. Grossmont Cuyamaca Cmty. Coll. Dist. Bd. of Govs.*, No. 22-cv-00424-BAS-DDL, 2022 WL 17330467, at 22

\*2 n.2 (S.D. Cal. Nov. 29, 2022) (considering exhibits attached to complaint as part of the 23 pleadings in resolving motion for temporary restraining order). A review of the underlying state court’s tentative ruling illuminates the facts surrounding the residential lease with an option to 24 purchase and the subsequent contract of deed. In its findings of fact, the state court noted that the properties located at 6010 and 6020 McCourtney Road were originally owned by defendant 25 Smith. (Doc. No. 1 at 178.) Smith initially rented the property to plaintiff with an option to purchase clause included in the lease agreement, the parties then entered into a contract for deed 26 for the property in which defendant Smith agreed to sell the property to plaintiff for \$373,000.00. 27 (Id. at 178, 181.) Plaintiff subsequently fell behind on her payments and the civil action in state court followed. (Id. at 184.) There is no mention of a lease of contract of deed for a property 28 located at 6030 McCourtney Road in the state court’s tentative ruling. (See *id.* at 166–193.) 1 was “entitled to Judicial Foreclosure of the property by way of his First Amended Complaint.” 2 (Id..) A notice of entry of judgment was filed on January 6, 2021. (Id. at 195.) A sheriff’s sale 3 of the properties was authorized on September 17, 2025. (Id. at 156.) 4 Based on these and other allegations, plaintiff asserts the following eight causes of action: 5 (1) violation of the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.); (2) a claim for 6 violation of the Due Process Clause of the Fourteenth Amendment under 42 U.S.C. § 1983; (3) a 7 claim for violation of the Equal Protection Clause of the Fourteenth Amendment under 42 U.S.C. § 1983; (4) intentional infliction of emotional distress; (5) abuse of process; (6) fraud; (7) civil 9 conspiracy; and (8) malicious prosecution.<sup>2</sup> (Id. at ¶¶ 58–104.) 10 Plaintiff requests the following relief in her complaint: (1) injunctive relief in the form of 11 a temporary restraining order, preliminary injunction, and permanent injunction enjoining the 12 November 13, 2025 sheriff’s sale of the properties located at 6010 McCourtney Road in Lincoln,

13 California and 6020 McCourtney Road in Lincoln, California;3 (2) \$10 million in damages for  
14 past and future economic losses and non-economic losses; (3) punitive damages; (4) statutory  
15 damages under the Americans with Disabilities Act; (5) attorneys’ fees and costs pursuant to 42  
16 U.S.C. § 1988 and other applicable statutes; and (6) pre- and post-judgment interest. (Doc. No  
1. 17 at 31–32.) 18 On November 12, 2025, plaintiff filed an ex parte motion for a temporary  
restraining 19 order seeking to enjoin the sheriff’s sale of the properties located at 6010 and 6020  
Mccourtney 20 Road in Lincoln, California. (Doc. No. 2.) The sheriff’s sale is scheduled to  
commence on

21 November 13, 2025 at 10 A.M. (Id. at 2.)

## 22 LEGAL STANDARD

23 The standard governing the issuing of a temporary restraining order is “substantially 24  
identical” to the standard for issuing a preliminary injunction. See *Stuhlbarg Int’l Sales Co. v. 25 2*  
Plaintiff also seeks injunctive relief which she characterizes as a separate cause of action. 26 27 3  
In seeking a permanent injunction, plaintiff also seeks an order vacating the state court judgment,  
prohibiting defendants from further enforcement actions, and “[d]eclaring plaintiff the 28 rightful  
owner of the Property.” (Id. at 31.) 1 *John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).  
“The proper legal standard for 2 preliminary injunctive relief requires a party to demonstrate ‘that  
he is likely to succeed on the 3 merits, that he is likely to suffer irreparable harm in the absence of  
preliminary relief, that the 4 balance of equities tips in his favor, and that an injunction is in the  
public interest.’” *Stormans, 5 Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009) (quoting *Winter*  
*v. Nat. Res. Def. Council, 6 Inc.*, 555 U.S. 7, 20 (2008)); see also *Ctr. for Food Safety v. Vilsack*,  
636 F.3d 1166, 1172 (9th

7 Cir. 2011) (“After *Winter*, ‘plaintiffs must establish that irreparable harm is likely, not just  
8 possible, in order to obtain a preliminary injunction.’”); *Am. Trucking Ass’n, Inc. v. City of Los*  
9 *Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009). A plaintiff seeking a preliminary injunction must  
10 make a showing on all four of these prongs. *All. for the Wild Rockies v. Cottrell*, 632 F.3d  
11 1135 (9th Cir. 2011). The Ninth Circuit has also held that “[a] preliminary injunction is  
12 appropriate when a plaintiff demonstrates . . . that serious questions going to the merits were 13  
raised and the balance of hardships tips sharply in the plaintiff’s favor.” *Id.* at 1134–35 (citation 14  
omitted). The party seeking the injunction bears the burden of proving these elements. *Klein v. 15*  
*City of San Clemente*, 584 F.3d 1196, 1201 (9th Cir. 2009); see also *Caribbean Marine Servs. Co.*  
16 *v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citation omitted) (“A plaintiff must do more  
than 17 merely allege imminent harm sufficient to establish standing; a plaintiff must demonstrate  
18 immediate threatened injury as a prerequisite to preliminary injunctive relief.”). Finally, an 19  
injunction is “an extraordinary remedy that may only be awarded upon a clear showing that the 20  
plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22. 21 The likelihood of success on the  
merits is the most important *Winter* factor. See *Disney 22 Enters., Inc. v. VidAngel, Inc.*, 869 F.3d  
848, 856 (9th Cir. 2017). Plaintiff bears the burden of 23 demonstrating that she is likely to

succeed on the merits of his claims or, at the very least, that 24 “serious questions going to the merits were raised.” All. for Wild Rockies, 632 F.3d at 1131. 25 ///// 26 ///// 27 ///// 28 /////

#### 1 DISCUSSION4

2 “The Rooker-Feldman doctrine prohibits federal district courts from hearing cases 3 ‘brought by state-court losers complaining of injuries caused by state-court judgments rendered 4 before the district court proceedings commenced and inviting district court review and rejection 5 of those judgments.’” Davis v. Cal. Dep’t of Child Servs., No. 2:20-cv-01393-TLN-AC, 2020 6 WL 5039243, at \*2 (E.D. Cal. Aug. 26, 2020) (quoting Exxon Mobil Corp. v. Saudi Basic Indus. 7 Corp, 544 U.S. 280, 284 (2005)), report and recommendation adopted sub nom. Davis v. Cal. 8 Dep’t of Child Support Servs., 2020 WL 5943974 (E.D. Cal. Oct. 7, 2020). In other words, this 9 federal court lacks jurisdiction over de facto appeals of state court judgments. Noel v. Hall, 341 10 F.3d 1148, 1156 (9th Cir. 2003). “It is a forbidden de facto appeal under Rooker-Feldman when 11 the plaintiff in federal district court complains of a legal wrong allegedly committed by the state 12 court, and seeks relief from the judgment of that court.” Id. at 1163. “A federal district court 13 4 Federal Rule of Civil Procedure 65(b)(1) provides that a court may only issue a temporary 14 restraining order ex parte if: (1) specific facts in an affidavit or a verified complaint clearly show 15 that immediate and irreparable harm will result to the movant before the adverse party can be hear in opposition; and (2) the movant’s attorney certifies in writing any efforts made to give notice 16 and the reasons why it should not be required. Fed. R. Civ. P. 65(b)(1). Additionally, the Local Rules of this court require the court to consider “whether the applicant could have sought relief 17 by motion for preliminary injunction at an earlier date without the necessity for seeking last- minute relief by motion for temporary restraining order.” L.R. 231(b). “In order to justify ex 18 parte relief, the moving party must establish (1) that its cause will be irreparably prejudiced if the 19 underlying motion is heard according to regular noticed procedures; and (2) that it is without fault in creating the crisis that requires ex parte relief, or that the crisis occurred as a result of 20 excusable neglect.” Myles v. PennyMac Loan Servs. LLC, No. 17-cv-04343-PSG-MRW, 2017 WL 8160965 (C.D. Cal. July 26, 2017) (citing Mission Power Eng'g Co. v. Continental Cas. Co., 21 883 F. Supp. 488, 492 (C.D. Cal. 1995)). “Courts regularly deny TROs for failing to comply with the stringent requirements of Rule 65(b)(1), including those sought by pro se plaintiffs.” Storer v. 22 Placer County Super. Ct., No. 2:25-cv-02066-DC-CSK, 2025 WL 2306969, at \*6 (E.D. Cal. Aug. 23 11, 2025), report and recommendation adopted, 2025 WL 2605785 (E.D. Cal. Sept. 9, 2025). Here, plaintiff had notice of the sheriff’s sale approximately two months prior to the filing 24 of her complaint and her motion for temporary restraining order, but failed to file the pending ex parte motion until mere hours before the scheduled sheriff’s sale. (Doc. No. 1 at 156) 25 (authorizing Placer County Sheriff’s Office to execute the foreclosure sale of the property on September 17, 2025). Accordingly, plaintiff has unduly delayed in bringing her motion for a 26 temporary restraining order and denial of that motion is warranted for this reason alone. See 27 Brewer v. Loancare, LLC, No. 2:25-cv-01157-DC-CSK (PS), 2025 WL 1400288, at

\*2 (E.D. Cal. May 14, 2025) (collecting cases regarding delay in seeking relief to prevent foreclosure sales). Nevertheless, the court will consider the merits of plaintiff's motion in this order. 1 dealing with a suit that is, in part, a forbidden de facto appeal from a judicial decision of a state 2 court must refuse to hear the forbidden appeal." Id. at 1158. "As part of that refusal, it must also 3 refuse to decide any issue raised in the suit that is 'inextricably intertwined' with an issue 4 resolved by the state court in its judicial decision." Id. 5 As stated above, the first part of the de facto appeal test considers whether "the plaintiff in 6 federal district court complains of a legal wrong allegedly committed by the state court[.]" Noel, 7 341 F.3d at 1163. Here, plaintiff alleges that the state court committed several legal errors. She 8 complains that the Placer County Superior Court "systematically failed to protect" her rights by 9 "erroneously" finding that plaintiff could not show that she owned the subject property and 10 improperly denying her claim for homestead exemption with respect to the property thereby 11 infringing on her property and due process rights. (Doc. Nos. 2 at 25; 2-1 at 1-2.) "Because 12 [plaintiff] assert[s] a direct challenge to a state court's factual or legal conclusion[s], plaintiff[']s 13 federal suit is a de facto appeal of the state court judgment." Feldman v. McKay, No. 15-cv- 14 04892-MMM-JEM, 2015 WL 7710145 (C.D. Cal. Nov. 25, 2015) (collecting cases) (internal 15 quotation marks omitted) (quoting Bell v. City of Boise, 709 F.3d 890, 897 (9th Cir. 16 2013)). Moreover, plaintiff's claim asserting a violation of the ADA based on her allegations of 17 various purported failures of the state court to provide her with reasonable accommodations is 18 similarly barred. See Langworthy v. Whatcom County Super. Ct., No. 20-cv-01637-JCC, 2021 19 WL 1788391, at \*3 (W.D. Wash. May 5, 2021) (collecting cases). Because plaintiff complains 20 that the state court committed legal errors in ruling against her, the first part of the de facto appeal 21 test is satisfied. 22 The second part of the de facto appeal test asks whether "the plaintiff in federal district 23 court . . . seeks relief from the judgment of that [state] court." Noel, 341 F.3d at 1163. "To 24 determine whether an action functions as a de facto appeal, we 'pay close attention to the relief 25 sought by the federal-court plaintiff.'" Cooper v. Ramos, 704 F.3d 772, 777-78 (9th Cir. 2012) 26 (citation omitted). Here, plaintiff seeks relief in the form of a temporary restraining order to 27 enjoin the sheriff's sale of the residential properties located at 6010 and 6020 McCourtney Road 28 in Lincoln, California. In making such a request, plaintiff clearly seeks relief from the judgment 1 | of the state court that this federal court simply cannot grant. Sweeney v. Carringer, No. 25-cv- 2 | 03148-JST, 2025 WL 2597543, at \*3 (N.D. Cal. July 24, 2025) ("The requests to vacate a 3 | sheriff's auction ordered by the state court and to enjoin further enforcement by that court amount 4 | to 'the de facto equivalent of' an appeal of state court decisions."); see also Graham v. Am. Home 5 | Mortg., No. 13-cv-03322-RS, 2013 WL 3989676, at \*2 (N.D. Cal. Aug. 2, 2013) (denying a 6 | motion for a temporary restraining order because, although the "complaint attack[ed] the 7 | underlying non judicial foreclosure, rather than any state court judgment, to the extent her TRO 8 | [sought] to restrain state officers from carrying out a state court judgment, jurisdiction would not 9 | exist."). Accordingly, the court concludes that the second part of the de

facto appeal test is also 10 || satisfied here. 11 Since plaintiff's suit is brought in this federal court as a forbidden de facto appeal from 12 | judicial decisions in the underlying state court action, this court need not reach the question of 13 | whether other issues are inextricably intertwined with an issue resolved by the state court in its 14 | judicial decision. Noel, 341 F.3d at 1158. The Rooker-Feldman doctrine applies to bar the 15 | exercise of jurisdiction by this court, id. at 1156, and as a result, the court concludes that in the 16 | pending motion plaintiff has failed to raise even "serious questions going to the merits[,]" All. for 17 | Wild Rockies, 632 F.3d at 1131.

18 CONCLUSION

19 For the reasons explained above, plaintiff's motion for a temporary restraining order (Doc. 20 | No. 2.) is DENIED. 21 IT IS SO ORDERED. \*\* | Dated: \_November 12, 2025 Dal A. 2, axel

23 DALE A. DROZD

34 UNITED STATES DISTRICT JUDGE

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