

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Williams v. California Highway Patrol

No. 2:25-cv-787 DAD-SCR (E.D. Cal. Apr. 22, 2025) · No. 2:25-cv-787 DAD-SCR · Decided April 24, 2025

SUMMARY

The document is an order vacating prior findings and recommendations and recommending denial of a pro se plaintiff’s motion for a temporary restraining order. The plaintiff challenged the traffic stop and impoundment of his unregistered vehicle by the California Highway Patrol, asserting Fourth Amendment, procedural due process, and constitutional right-to-travel claims. The court found that plaintiff had not shown serious questions on the merits or irreparable harm.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 24, 2025
DOCKET	2:25-cv-787 DAD-SCR
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, moved for a temporary restraining order requiring the immediate return of his impounded vehicle and other relief. After vacating an earlier recommendation, the magistrate judge issued amended findings and recommendations recommending denial of the TRO.
STANDARD OF REVIEW	A TRO requires the movant to establish likelihood of success on the merits, likely irreparable harm, a favorable balance of equities, and that an injunction is in the public interest, or alternatively serious questions going to the merits, irreparable harm, and a strong balance of equities in the movant's favor.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Arik Williams v. California Highway Patrol, Officer Brett Wade, other defendants

TOPICS

injunctions

procedural due process

civil rights

section 1983

civil procedure

PRACTICE AREAS

civil rights

constitutional law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether Williams showed serious questions going to the merits of his Fourth Amendment claim that the impoundment of his unregistered vehicle was an unreasonable warrantless seizure.
2. Whether Williams showed serious questions going to the merits of his procedural due process claim based on the handling of the administrative hearing concerning the impounded vehicle.
3. Whether vehicle impoundment and state registration requirements violated Williams's constitutional right to travel.
4. Whether Williams demonstrated likely irreparable harm warranting a temporary restraining order.

HOLDINGS

1. Williams failed to show serious questions going to the merits of his Fourth Amendment claim because he did not demonstrate that he could move the unregistered vehicle without continuing to violate state registration laws or that an alternative means of removing it was available.
2. Williams failed to show serious questions going to the merits of his procedural due process claim on the current record.
3. Williams failed to show serious questions going to the merits of his right-to-travel claim because burdens on a single mode of transportation do not implicate the fundamental right to interstate travel, and there is no fundamental right to drive.
4. Williams failed to demonstrate irreparable harm because his alleged financial injury was ordinarily compensable by damages, he did not intend to operate the vehicle unless he prevailed on his legal theory, and the vehicle had reportedly been released to a third party.

KEY QUOTATIONS

“A warrantless traffic stop is permissible under the Fourth Amendment “where the police have probable cause to believe a traffic violation has occurred.”” (Analysis § IV.A)

“However, the subsequent impoundment of Plaintiff’s vehicle was a presumptively unreasonable warrantless seizure that would be justified only if the “community caretaking” exception applies.” (Analysis § IV.A)

“Plaintiff does not have a fundamental ‘right to drive.’” (Analysis § IV.A)

“Monetary injury is not normally considered irreparable.” (Analysis § IV.B)

FACTUAL BACKGROUND

California Highway Patrol Officer Brett Wade stopped Williams while he was driving a Ford truck that lacked valid California registration and impounded the truck under California Vehicle Code section 22651(o)(3)(A). Williams had previously been cited for driving the same vehicle without valid registration and did not register it after paying the earlier fine. CHP mailed Williams a notice concerning his right to an administrative hearing under Vehicle Code section 22852, but when he called, he was told that he could recover the vehicle by registering it or otherwise would need to file a lawsuit. Williams maintained that registration requirements could not constitutionally prevent him from traveling in his privately owned vehicle; the vehicle was later reportedly released to Wells Fargo Auto, its lender and legal owner.

PROCEDURAL HISTORY

Williams filed a complaint and TRO motion on March 10, 2025, alleging that a California Highway Patrol officer unlawfully stopped and impounded his vehicle and that the recovery procedures violated due process. The magistrate judge initially recommended denial of the TRO, but after Williams objected and asserted additional facts, the court held a limited evidentiary hearing on April 10, 2025. The amended findings vacated the original findings and recommendations and recommended that the district judge deny the TRO.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The findings and recommendations are to be submitted to the assigned district judge under 28 U.S.C. § 636(b) (1). The parties may file objections within fourteen days. The magistrate judge recommended that the TRO motion be denied; the document itself did not enter a final district-court disposition.

CASES CITED

- *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015)
- *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134-35 (9th Cir. 2011)
- *Whren v. United States*, 517 U.S. 806, 810 (1996)
- *Sandoval v. County of Sonoma*, 912 F.3d 509, 516 (9th Cir. 2019)
- *Miranda v. City of Cornelius*, 429 F.3d 858, 865 (9th Cir. 2005)
- *Leslie v. City of Sand City*, 615 F. Supp. 2d 1121, 1125-26 (N.D. Cal. 2009)
- *Constitution of U.S. v. Southwick*, 2008 WL 5111144, at *2-3 (D. Or. Dec. 1, 2008)
- *United States v. Cartwright*, 630 F.3d 610, 616 (7th Cir. 2010)
- *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)
- *Orloff v. Cleland*, 708 F.2d 372, 378-79 (9th Cir. 1983)
- *Papachristou v. City of Jacksonville*, 405 U.S. 156, 165 (1972)
- *Miller v. Reed*, 176 F.3d 1202, 1205-06 (9th Cir. 1999)
- *Cholerton v. Brown*, 2014 WL 3818049, at *4 (C.D. Cal. May 16, 2014)
- *McCain v. Stockton Police Department*, 2011 WL 4710696, at *5 (E.D. Cal. Oct. 4, 2011)

- hiQ Labs, Inc. v. LinkedIn Corp., 31 F.4th 1180, 1188 (9th Cir. 2022)
- Los Angeles Memorial Coliseum Commission v. National Football League, 634 F.2d 1197, 1202 (9th Cir. 1980)
- Sampson v. Murray, 415 U.S. 61, 90 (1974)
- Rent-A-Center, Inc. v. Canyon Television & Appliance Rental, Inc., 944 F.2d 597, 603 (9th Cir. 1991)
- Goldie's Bookstore, Inc. v. Superior Court, 739 F.2d 466, 471 (9th Cir. 1984)
- Brewster v. City of Los Angeles, 672 F. Supp. 3d 872 (C.D. Cal. 2023)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 FOR THE EASTERN DISTRICT OF
CALIFORNIA 9 10 ARIK WILLIAMS, No. 2:25-cv-787 DAD-SCR 11 Plaintiff, 12 v. ORDER
AND AMENDED FINDINGS AND RECOMMENDATIONS 13 CALIFORNIA HIGHWAY
PATROL, et al., 14 Defendants. 15 16 17 Plaintiff is proceeding pro se in this matter and filed a
motion for a temporary restraining 18 order (“TRO”), ECF No. 2, which the District Judge
referred to the undersigned for issuance of 19 findings and recommendations.

ECF No. 5. Plaintiff alleges that California Highway Patrol 20 (“CHP”) Officer Brett Wade
stopped him for driving a vehicle without license plates and then 21 impounded said vehicle.
Plaintiff argues that the stop and impoundment violate his constitutional 22 right to travel and his
Fourth Amendment right to be secure against unreasonable seizures. His 23 TRO motion seeks an
ex parte hearing on the matter and an order requiring the immediate return 24 of his vehicle,
among other relief.

25 On March 20, 2025, the undersigned recommended that Plaintiff’s TRO motion be denied 26
for deficiencies as to both the merits and irreparable harm prongs of the relevant analysis. ECF 27
No. 6. Plaintiff’s Objections the Findings and Recommendations asserted new facts potentially 28
relevant to the TRO analysis. ECF No. 10. While Plaintiff should have presented those facts in 1
his TRO motion, in light of Plaintiff’s pro se status, the Court scheduled an evidentiary hearing 2
on a limited set of factual issues.

ECF No. 12. The Court convened the evidentiary hearing on 3 April 10, 2025, heard testimony
from Plaintiff, considered a declaration and other evidence from 4 Defendants, and allowed
subsequent filings concerning a handful of disputed issues. Based on 5 the entire record presently
before the Court, the undersigned now vacates the original Findings 6 and Recommendations and
makes these Amended Findings and Recommendations, which also 7 recommend that Plaintiff’s
motion for a TRO be denied.

8 I. Background 9 On March 10, 2025, Plaintiff concurrently filed a complaint against CHP and
Officer 10 Wade and the instant TRO motion. ECF Nos. 1-2. Plaintiff submitted signed

declarations in 11 support of the TRO motion in which Plaintiff alleges: Plaintiff relies on his privately-owned 12 vehicle for transportation to work, managing household and farming responsibilities, and 13 attending appointments.

ECF No. 2-4, ¶ 1. On February 21, 2025, Officer Wade stopped 14 Plaintiff while he was “lawfully traveling on a public road for personal, non-commercial 15 purposes.” Id. ¶ 2.a. Officer Wade seized and impounded the vehicle “solely on the technical 16 allegation that it did not display a valid California license plate.” Id. 17 Plaintiff received a notice “offering an opportunity to request an administrative hearing 18 with the CHP regarding the impoundment,” but was denied a request for such hearing when he 19 called CHP on March 3, 2025.

Id. ¶ 2.b. A sergeant Plaintiff spoke to that day “directed me to 20 resolve the matter in court.” Id. Plaintiff filed a suit in Amador County Superior Court, but that 21 court denied a request for “expedited relief,” finding “no irreparable harm had been shown.” Id. 22 Plaintiff operates a small farm “where timely transportation is essential.” Id. ¶ 3.b. 23 Plaintiff alleges that the impoundment of his “only means of transportation” has caused economic 24 and personal hardship, including through “unsustainable expenses for alternative transportation” 25 and “miss[ing] significant work, thereby reducing [his] income.” Id. ¶ 3.a.

It has also 26 “disrupted” his “ability to care for [his] livestock and manage farm operations, exacerbating the 27 financial burdens.” Id. ¶ 3.b. 28 Plaintiff believes that if his vehicle remains impounded for more than 30 days, it may be 1 auctioned or reverted to the lender. Id. ¶ 3.b. 2 Plaintiff filed the TRO motion without formal notice to Defendants, based on his belief 3 that providing such notice would allow them to expedite the auction of his vehicle.

ECF No. 2 at 4 2. However, Plaintiff states that he did provide email notice to “the local CHP office” and “the 5 State District Attorney,” though the latter email address is associated with the California 6 Department of Justice. ECF No. 2-5, ¶ 4. 7 On March 20, 2025, the undersigned recommended that Plaintiff’s TRO motion be denied. 8 ECF No. 6. Plaintiff filed Objections the Findings and Recommendations which asserted, for the 9 first time, that the traffic stop occurred adjacent to the residences of friends with whom he could 10 have left his vehicle.

ECF No. 10 at 4. The Court ordered an evidentiary hearing to further 11 develop the record on the questions of whether the impoundment of Plaintiff’s vehicle violated 12 the Fourth Amendment and whether the subsequent procedures for recovering the vehicle 13 violated Plaintiff’s due process rights. ECF No. 12. 14 Officer Wade was unavailable to testify at the evidentiary hearing on April 10, 2025, but 15 submitted a declaration describing his traffic stop of Plaintiff and the impoundment of Plaintiff’s 16 vehicle.

ECF No. 13-1. Defendants submitted other evidence, including the citation Officer 17 Wade issued to Plaintiff (ECF No. 13-3) and dashboard camera video recording of the traffic stop 18 and

impoundment (ECF No. 13-4), which includes a recording of much of the verbal interactions 19 between Plaintiff, Officer Wade, and another CHP officer who responded to the traffic stop.

At 20 the evidentiary hearing, the Court heard testimony from Plaintiff and accepted several of 21 Plaintiff's exhibits into the record. ECF No. 14. 22 After the evidentiary hearing, Defendants filed a supplemental brief in which counsel for 23 Defendants proffered that Plaintiff's vehicle was released from impoundment "to the lender and 24 legal owner of the vehicle, Wells Fargo Auto." ECF No. 15 at 2.

25 II. Legal Standards & Analysis 26 A TRO is an extraordinary remedy that may only be granted if the moving party satisfies one 27 of two legal standards. A plaintiff seeking a TRO must generally establish all four of the following 28 elements: (1) he is likely to succeed on the merits of his underlying case; (2) he is likely to suffer 1 irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in his favor; and 2 (4) an injunction is in the public interest.

Garcia v. Google, Inc., 786 F.3d 733, 740 (9th Cir. 2015). 3 A plaintiff may also be entitled to a TRO by showing serious questions going to the merits, 4 irreparable harm, and a balance of equities that tips strongly in the plaintiff's favor. All. for the Wild 5 Rockies v. Cottrell, 632 F.3d 1127, 1134-35 (9th Cir. 2011). 6 III. Findings of Fact 7 Based on the information submitted by the parties at the evidentiary hearing and in related 8 filings, the undersigned makes the following findings of fact: (1) On February 21, 2025, Plaintiff 9 was driving a Ford truck ("Plaintiff's vehicle") with a trailer ("Plaintiff's trailer") attached on a 10 public road; (2) Plaintiff's vehicle lacked valid registration under California's Vehicle Code, but 11 Plaintiff's trailer had such valid registration; (3) Plaintiff had been ticketed for driving the same 12 vehicle without valid registration in 2024, and paid a fine for that ticket but did not pay to register 13 the vehicle; (4) CHP officers had stopped Plaintiff multiple times over the past two years for 14 driving the same vehicle without valid registration; (5) Officer Wade impounded Plaintiff's 15 vehicle pursuant to Vehicle Code § 22651(o)(3)(A); (6) Officer Wade did not ask Plaintiff 16 whether anyone could help him move his vehicle; (7) Officer Wade did ask Plaintiff whether 17 anyone could help him move his trailer; (8) Plaintiff did not volunteer to Officer Wade that 18 anyone living directly adjacent to the location of the traffic stop could help him move his vehicle; 19 (10) Officer Wade did not impound Plaintiff's trailer, and instead left the trailer at the location of 20 the traffic stop; (11) CHP mailed Plaintiff a notice concerning his right to a hearing to "determine 21 the validity" of the "storage" of his vehicle, as required by Vehicle Code § 22852 (ECF No. 14-2 22 at 3); (12) when Plaintiff called CHP to request that hearing, he was told that he could recover his 23 vehicle by registering it, but that otherwise he needed to file a lawsuit; (13) Plaintiff had not, as of 24 April 10, 2025, registered his vehicle; (14) Plaintiff does not intend to register his vehicle with the 25 California Department of Motor Vehicles unless he ultimately fails to prevail on his legal theory 26 that his constitutional right to travel entitles him to operate his vehicle without complying with 27 state law vehicle registration requirements; (15) if Plaintiff were to recover his vehicle while

this lawsuit is pending, it would sit idle on his property; and (16) Plaintiff's vehicle has reportedly been released from impound to Wells Fargo Auto, the lender and legal owner of the vehicle.^{1 2 IV.}

Analysis 3 A. Merits 4 Based on the record currently before the Court, Plaintiff fails to make a sufficient showing on 5 the merits of his claims. While Plaintiff is correct that failure to display a valid license plate is a 6 technical legal violation that does not necessarily implicate traffic safety, such technical violation 7 furnished a constitutionally sufficient basis for Officer Wade to stop Plaintiff's vehicle.

A warrantless 8 traffic stop is permissible under the Fourth Amendment "where the police have probable cause to 9 believe a traffic violation has occurred." *Whren v. United States*, 517 U.S. 806, 810 (1996). 10 However, the subsequent impoundment of Plaintiff's vehicle was a presumptively unreasonable 11 warrantless seizure that would be justified only if the "community caretaking" exception applies.

12 The community caretaking exception generally "permits government officials to remove 13 vehicles from the streets when they 'jeopardize public safety and the efficient movement of 14 vehicular traffic.'" *Sandoval v. County of Sonoma*, 912 F.3d 509, 516 (9th Cir. 2018) (internal 15 citations omitted). Evaluating the constitutionality of an impoundment accordingly requires a 16 fact-intensive inquiry in most cases.

Id. ("Whether this exception applies turns on the facts and 17 circumstances of each case."). However, the Ninth Circuit has stated that the community 18 caretaking exception also allows for impoundment "if the driver is unable to remove the vehicle 19 from a public location without continuing its illegal operation." *Miranda v. City of Cornelius*, 20 429 F.3d 858, 865 (9th Cir.

2005). On that basis, courts have consistently found impoundment of 21 an unregistered vehicle to be reasonable under the Fourth Amendment. See *Leslie v. City of Sand 22 City*, 615 F.Supp.2d 1121, 1125-26 (N.D. Cal. 2009) (in case involving expired registration, 23 stating that "if allowing a driver to remove a vehicle would result in violation of a traffic 24 regulation, impoundment of a vehicle is reasonable" under the Fourth Amendment); *Constitution 25 of U.S. v. Southwick*, 2008 WL 5111144, at *2-3 (D.

Or. Dec. 1, 2008) (quoting *Miranda* to 26 justify impoundment where, among other violations, "the truck had no license plates displayed," 27 1 There are many other facts in the record. However, these are the relevant facts for purposes of 28 resolving Plaintiff's TRO motion. 1 in violation of Oregon law); see also *United States v. Cartwright*, 630 F.3d 610, 616 (7th Cir.

2 2010) (upholding the impoundment of the defendant's vehicle, based in part on the fact that "no 3 one could have lawfully driven [the] car from the scene"). 4 In the instant case, Plaintiff has not shown that he could have moved his vehicle without 5 further violating state laws that require

vehicle registration. Nor has he shown that anyone was 6 available to assist him in moving his vehicle by, for example, bringing a trailer to tow his vehicle 7 to Plaintiff's home or another private property.

Nor has Plaintiff shown that he sought the 8 opportunity to drive his vehicle onto any private property adjacent to the traffic stop. 9 Accordingly, on the current record, Plaintiff has not shown serious questions going to the merits 10 of his Fourth Amendment impoundment claim. 11 Plaintiff also argues that he was deprived of a hearing on the impoundment of his vehicle, 12 in violation of due process.

After impounding Plaintiff's vehicle, CHP mailed him a "Notice of 13 Stored Vehicle" as required by Vehicle Code § 22852. ECF No. 14-2 at 3. That notice informed 14 him that he could request an administrative hearing to "determine the validity" of the "storage" of 15 his vehicle. When Plaintiff called CHP to request that hearing, an unidentified CHP officer told 16 him that he could recover his vehicle by registering it, but that otherwise he needed to file a 17 lawsuit. "The determination of what procedures satisfy due process depends upon an analysis of 18 the particular case in accordance with the three-part balancing test outlined in *Mathews v. 19 Eldridge*, 424 U.S. 319, [] (1976)." *Orloff v. Cleland*, 708 F.2d 372, 378-79 (9th Cir.

1983). It is 20 troubling that Plaintiff was apparently discouraged from pursuing the administrative hearing 21 provided by Vehicle Code § 22852. However, it is not clear what purpose an administrative 22 hearing would have served for Plaintiff. He had not registered his vehicle and does not intend to 23 register it, unless the federal courts reject his right-to-travel theory.

An administrative hearing 24 would presumably have resulted in Plaintiff being informed that he must register his vehicle 25 consistent with state law in order to recover and operate said vehicle. As to Plaintiff's particular 26 circumstances, then, it is not clear what "probable value ... additional" procedural "safeguards" 27 /// 28 /// 1 would have provided.² See *Mathews*, 424 U.S. at 335.

On the current record, Plaintiff has not 2 shown serious questions going to the merits of his procedural due process claim. 3 Finally, Plaintiff contends that the impoundment interferes with his fundamental 4 constitutional right to travel.

The fundamental rights of free movement and travel—both 5 interstate and intrastate—are rooted, at a minimum, in the Constitution's due process protections. 6 See *Papachristou v. City of Jacksonville*, 405 U.S. 156, 165 (1972). While the impoundment of 7 Plaintiff's vehicle may be a practical impediment to free movement and travel, "burdens on a 8 single mode of transportation do not implicate the right to interstate travel[.]" and "[Plaintiff] 9 does not have a fundamental 'right to drive.'" *Miller v. Reed*, 176 F.3d 1202, 1205-06 (9th Cir.

10 1999); see also *Cholerton v. Brown*, 2014 WL 3818049, at *4 (C.D. Cal. May 16, 2014) (“To the 11 extent Plaintiff argues that his fundamental right to travel was violated by impoundment of his 12 vehicle and/or imposition of state vehicle registration requirements on Plaintiff, ...there is no 13 merit to these contentions.”); *McCain v. Stockton Police Dept.*, 2011 WL 4710696, at *5 (E.D.

14 Cal. Oct. 4, 2011) (“To the extent plaintiff contends that her fundamental right to interstate travel 15 is violated by impoundment of her Vehicle or state requirements that she register the Vehicle and 16 possess a valid driver’s license, that claim fails as a matter of law.”). Plaintiff has not made a 17 sufficient showing on the merits to warrant the issuance of a TRO.³ 18 B. Irreparable Harm 19 Plaintiff’s claimed irreparable harm is rooted in a general statement of financial hardship.

20 While the Court does not doubt the hardship loss of a vehicle may entail, “[m]onetary injury is 21 not normally considered irreparable.” *hiQ Labs, Inc. v. LinkedIn Corporation*, 31 F.4th 1180, 22 1188 (9th Cir. 2022) (quoting *Los Angeles Mem’l Coliseum Comm’n v. Nat’l Football League*, 23 634 F.2d 1197, 1202 (9th Cir. 1980)). That is because an economic injury can normally be 24 2 To be clear, impoundment and storage practices often raise significant procedural due process 25 concerns.

See *Brewster v. City of Los Angeles*, 672 F.Supp.3d 872 (C.D. Cal. 2023) (holding that 26 Los Angeles’ post-impounding storage hearing practices violate procedural due process rights). The Court’s finding at this point is based on Plaintiff’s particular circumstances and a record that 27 has not yet been fully developed as to procedural due process issues. 3 Plaintiff argues he should not be subject to registration requirements because he is not operating 28 a commercial vehicle.

Plaintiff offers no meaningful support for this argument. 1 remedied later by a damages award. See *Sampson v. Murray*, 415 U.S. 61, 90 (1974) (“[I]t seems 2 clear that the temporary loss of income, ultimately to be recovered, does not usually constitute 3 irreparable injury....

The possibility that adequate compensatory or other corrective relief will be 4 available at a later date, in the ordinary course of litigation, weighs heavily against a claim of 5 irreparable harm.” (internal quotation omitted)); *Rent-A-Center, Inc. v. Canyon Television & 6 Appliance Rental, Inc.*, 944 F.2d 597, 603 (9th Cir. 1991) (“It is true that economic injury alone 7 does not support a finding of irreparable harm, because such injury can be remedied by a damage 8 award.”); *Goldie’s Bookstore, Inc. v. Superior Court*, 739 F.2d 466, 471 (9th Cir.

1984) (“Mere 9 financial injury...will not constitute irreparable harm if adequate compensatory relief will be 10 available in the course of litigation.”). 11 Moreover, as Plaintiff testified at the evidentiary hearing, he does not plan to register his 12 vehicle unless or until the federal courts rule that his right to travel does not supersede state 13 registration requirements.

Accordingly, even if the Court were to order the return of Plaintiff's 14 vehicle, he would not presently be able to operate it lawfully for economic gain and it would idle 15 on his property pending the resolution of this lawsuit. Based on Plaintiff's avowed plan of action, 16 it is accordingly not clear that the impoundment of the vehicle is causing him economic harm.

17 Finally, counsel for Defendants has proffered that Plaintiff's vehicle was released from 18 impound to Wells Fargo Auto. Assuming this to be true, the Court could not issue effective 19 injunctive relief against Defendants. See Fed. R. Civ. P. 65(d)(2) (only parties, their officers, and 20 those "who are in active concert" with them can be bound by an injunction or retraining order).

21 As a practical matter, Plaintiff must now seek to recover his vehicle from Wells Fargo Auto. On 22 the current record, Plaintiff has not demonstrated irreparable harm absent the entry of a TRO or 23 preliminary injunction. 24 V. Conclusion 25 As explained above, Plaintiff has not demonstrated irreparable harm or made a sufficient 26 showing on the merits.

It is accordingly unnecessary to analyze the other equitable relief factors. 27 It is hereby ORDERED that the Findings and Recommendations issued on March 20, 28 2025 (ECF No. 6) are vacated. 1 For the reasons explained above, IT IS HEREBY RECOMMENDED that Plaintiff's 2 | TRO motion be denied. 3 These findings and recommendations will be submitted to the United States District Judge 4 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen days 5 || after being served with these findings and recommendations, either party may file written 6 || objections with the court. The document should be captioned "Objections to Magistrate Judge's 7 || Findings and Recommendations." The parties are advised that failure to file objections within the 8 | specified time may result in waiver of the right to appeal the district court's order.

Martinez v. 9 | Yist, 951 F.2d 1153 (9th Cir. 1991). 10 | Dated: April 22, 2025 Emd— 12 B SEAN C. RIORDAN UNITED STATES MAGISTRATE JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28