UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Kevin Starks v. FPI Management, et al.

Starks v. FPI Management · No. 2:25-cv-01382-TLN-CKD (PS) · Decided June 5, 2025

SUMMARY

The document contains findings and recommendations by a United States magistrate judge recommending denial of Kevin Starks's motion for a preliminary injunction in an action concerning alleged improper early-lease-termination fees and related credit reporting. The recommendation concludes that the motion was procedurally defective under the court's local rules and failed to demonstrate likelihood of success on the merits or irreparable harm. The parties were advised of the procedure and deadline for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 5, 2025
DOCKET	2:25-cv-01382-TLN-CKD (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, moved for a preliminary injunction and related emergency relief under Federal Rule of Civil Procedure 65 in an action removed from California state court. The magistrate judge issued findings and recommendations recommending denial of the motion.
STANDARD OF REVIEW	A preliminary injunction requires the movant to establish likely success on the merits, likely irreparable harm absent relief, a favorable balance of equities, and that an injunction is in the public interest. Under the Ninth Circuit's alternative formulation, serious questions going to the merits may suffice if the balance of hardships tips sharply toward the plaintiff, but a significant threat of irreparable injury remains required.
PRECEDENTIAL VALUE	nonprecedential

PARTIES	Kevin Starks v. FPI Management, Patmon Company, Inc., Stonebrier Apartments, I.Q. Data International, Inc.

TOPICS

injunctions · injunction bonds · civil procedure

PRACTICE AREAS

civil procedure · injunctive relief · remedies

QUESTIONS PRESENTED

1. Whether Starks was entitled to a preliminary injunction or temporary restraining order under Federal Rule of Civil Procedure 65.
2. Whether the motion should be denied because it failed to comply with the Eastern District of California's local requirements for preliminary-injunction applications.
3. Whether Starks demonstrated likely success on the merits and a significant threat of irreparable harm.

HOLDINGS

1. The motion was procedurally defective because Starks did not provide briefs addressing the relevant legal issues, an affidavit supporting irreparable injury, a proposed order, or evidence that he served the motion on defendants.
2. Starks was not entitled to a preliminary injunction because he failed to demonstrate likely success on the merits, a favorable balance of equities, or that an injunction would serve the public interest.
3. Starks failed to show a significant threat of imminent irreparable harm necessary to obtain preliminary injunctive relief.

KEY QUOTATIONS

> *“A preliminary injunction is an extraordinary remedy that may be awarded only upon a clear showing that the movant is entitled to relief.”* (slip op. at 2)

> *“Denial of a motion as the result of a failure to comply with local rules is well within a district court’s discretion.”* (slip op. at 3)

> *“Speculative injury does not constitute irreparable injury sufficient to warrant granting a preliminary injunction.”* (slip op. at 4)

FACTUAL BACKGROUND

The action concerns allegedly improper fees associated with the early termination of a lease agreement containing a buyout addendum. Starks sought damages and injunctive relief requiring defendants to remove credit information allegedly shared as a result of defendants' conduct. His motion also sought to stop I.Q. Data

International from collection activity, assessing fees and interest, and reporting credit information while the account and collection conduct were disputed.

PROCEDURAL HISTORY

Starks filed the action in San Joaquin County Superior Court on March 25, 2025. I.Q. Data International, Inc. removed the action to the Eastern District of California on May 14, 2025. Defendants filed motions to dismiss, and Starks then moved for a preliminary injunction seeking to halt collection activity, fees, interest, and credit reporting, while also requesting remand. The magistrate judge recommended that the preliminary-injunction motion be denied.

DISPOSITION

other

REMAND INSTRUCTIONS

The findings and recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b)(1). The parties were given fourteen days to file objections; any reply was due within seven days after service of objections.

CASES CITED

- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 22, 24 (2008)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131-32 (9th Cir. 2011)
- Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073, 1085 (9th Cir. 2014)
- Oakland Tribune, Inc. v. Chronicle Publishing Co., Inc., 762 F.2d 1374, 1376 (9th Cir. 1985)
- Tri-Valley CAREs v. U.S. Department of Energy, 671 F.3d 1113, 1131 (9th Cir. 2012)
- Nible v. Macomber, No. 2:24-cv-01259-DJC-CSK-PC, 2024 WL 2133319, at *2 (E.D. Cal. May 13, 2024)
- Baird v. Bonta, 81 F.4th 1036, 1044 (9th Cir. 2023)
- Los Angeles Memorial Coliseum Commission v. National Football League, 634 F.2d 1197, 1201 (9th Cir. 1980)
- FDIC v. Garner, 125 F.3d 1272, 1279 (9th Cir. 1997)
- Caribbean Marine Services 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 obscured in source], 951 F.2d 1153, 1156-57 (9th Cir. 1991)