

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Reed-Bey v. Guo

Reed-Bey · No. 2:25-cv-01880-DAD-CKD (PS) · Decided July 22, 2025

SUMMARY

The document contains findings and recommendations by a United States magistrate judge recommending denial of Kevin Joseph Reed-Bey’s motion for a preliminary injunction. The recommendation concludes that the motion was procedurally defective under the Eastern District of California’s local rules and failed to establish likelihood of success on the merits or imminent irreparable harm.

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	July 22, 2025
DOCKET	2:25-cv-01880-DAD-CKD (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for emergency relief under Federal Rule of Civil Procedure 65, seeking a preliminary injunction to prevent enforcement of an allegedly void Solano County Superior Court unlawful-detainer default judgment and to restore possession of an estate. The magistrate judge issued findings and recommendations recommending denial of the motion.
STANDARD OF REVIEW	A preliminary injunction requires a clear showing that the movant is entitled to extraordinary relief, including a likelihood of success on the merits, a likelihood of irreparable harm absent relief, a favorable balance of equities, and consistency with the public interest. The court also considered the Ninth Circuit's serious-questions/balance-of-hardships formulation, while requiring a significant threat of irreparable injury under any formulation.
PRECEDENTIAL VALUE	Unknown; findings and recommendations in a district-court case, with no reported citation.

PARTIES

Kevin Joseph Reed-Bey v. Bingyan Guo, Linmao Sun, Benjamin Huang, Rising Investments, LLC

TOPICS

injunctions

civil procedure

landlord tenant

default judgment

equitable relief

PRACTICE AREAS

civil procedure

injunctive relief

real estate litigation

QUESTIONS PRESENTED

1. Whether plaintiff's request for emergency relief should be construed as a motion for preliminary injunction under Federal Rule of Civil Procedure 65.
2. Whether the motion should be denied for failure to comply with the court's local procedural requirements for preliminary-injunction applications.
3. Whether plaintiff established the requirements for preliminary injunctive relief, including likelihood of success on the merits and a significant threat of irreparable injury.

HOLDINGS

1. A preliminary-injunction motion may be denied when the movant fails to comply with applicable local-rule requirements, including filing a brief addressing relevant legal issues, affidavits supporting irreparable injury, a proposed order containing a bond provision, and serving the adverse party as required.
2. A movant seeking a preliminary injunction bears the burden of demonstrating a likelihood of success on the merits or, under the Ninth Circuit's alternative formulation, serious questions going to the merits together with a favorable balance of hardships; plaintiff failed to meet that burden.
3. A preliminary-injunction movant must demonstrate a significant, immediate, and non-speculative threat of irreparable injury; plaintiff failed to do so.

KEY QUOTATIONS

"A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." (at 2)

"A preliminary injunction is an extraordinary remedy that may be awarded only upon a clear showing that the movant is entitled to relief." (at 2)

"Speculative injury does not constitute irreparable injury sufficient to warrant granting a preliminary injunction." (at 4)

FACTUAL BACKGROUND

Plaintiff challenged a Solano County Superior Court judgment styled as an unlawful-detainer default and sought to have it declared void and possession of an estate restored. He filed a document requesting immediate injunctive protection against further enforcement of that judgment. The motion did not include the required brief, affidavit addressing irreparable injury, or a proposed order with a bond provision, and the record did not establish that defendants had been served with the motion. The motion also supplied no legal authority or evidence demonstrating likely success or imminent irreparable harm.

PROCEDURAL HISTORY

Plaintiff filed a fee-paid federal complaint on July 3, 2025, against four defendants, challenging an unlawful-detainer default judgment entered by the Solano County Superior Court. Plaintiff filed a notice and invocation of constitutional injunctive authority on July 16, 2025, which the court construed as a motion for preliminary injunction. The magistrate judge recommended denying the motion because it failed to comply with applicable local-rule requirements and failed to establish likelihood of success or irreparable harm. The findings and recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to objections.

DISPOSITION

other

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. [name illegible] 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. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

OPINION

1, 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 KEVIN JOSEPH REED-BEY, No. 2:25-cv-01880-DAD-CKD (PS) 12 Plaintiff, 13 v. FINDINGS AND RECOMMENDATIONS 14 BINGYAN GUO, et al. 15 Defendants. 16 17 On July 16, 2025, plaintiff Kevin Joseph Reed-Bey filed a “notice and

invocation of 18 constitutional injunctive authority,” which the Court construes as requesting emergency relief 19 under Federal Rule of Civil Procedure 65.

(ECF No. 6.) Because plaintiff proceeds without 20 counsel, this matter is referred to the undersigned by Local Rule 302(c)(21) pursuant to 28 U.S.C. 21 § 636. This motion is appropriate for decision without oral argument under Local Rule 230(g). 22 For the reasons set forth below, the motion for preliminary injunction should be denied. 23 I. Background 24 Plaintiff initiated this action with a fee-paid complaint on July 3, 2025, against defendants 25 Bingyan Guo, Linmao Sun, Benjamin Huang, and Rising Investments, LLC. (ECF No. 1.)

26 Plaintiff seeks to “vacate a void judgment unlawfully entered” by the Solano County Superior 27 Court “styled as an unlawful detainer default.” (Id. at 1.) Through this action, plaintiff seeks to 28 have the unlawful detainer judgment declared void and restore possession of an estate to plaintiff. 1 (Id. at 4.) 2 On July 16, 2025, plaintiff filed the “notice and invocation of constitutional injunctive 3 authority,” which the Court construes as a motion for preliminary injunction.

(ECF No. 6.) 4 Plaintiff requests “immediate injunctive protection to prevent further enforcement of the void 5 judgment and to restore lawful possession of the private” estate. (Id. at 2.) 6 II. Legal Standard 7 “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on 8 the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the 9 balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. 10 Natural Res.*

Def. Council, Inc., 555 U.S. 7, 20 (2008). Under another formulation of the test used 11 in the Ninth Circuit, a likelihood of success is not an absolute requirement. *Alliance for the Wild 12 Rockies v. Cottrell*, 632 F.3d 1127, 1131-32 (9th Cir. 2011). Rather, the plaintiff shows serious 13 questions are raised and the balance of hardships tips in plaintiff’s favor.

Drakes Bay Oyster Co. 14 *v. Jewell*, 747 F.3d 1073, 1085 (9th Cir. 2014). “Under any formulation of the test, plaintiff must 15 demonstrate that there exists a significant threat of irreparable injury.” *Oakland Tribune, Inc., v. 16 Chronicle Pub. Co., Inc.*, 762 F.2d 1374, 1376 (9th Cir. 1985). A preliminary injunction is an 17 extraordinary remedy that may be awarded only upon a clear showing that the movant is entitled 18 to relief.

Winter, 555 U.S. at 22, 24. A court may issue a preliminary injunction only on notice to 19 the adverse party. Fed. R. Civ. P. 65(a). 20 Under the Court’s local rules, 21 All motions for preliminary injunction shall be accompanied by (i) briefs on all relevant legal issues to be presented by the motion, 22 (ii) affidavits in support of the motion, including affidavits on the question of irreparable injury, and (iii) a proposed order with a 23 provision for a bond.

See L.R. 230, 151. 24 Local Rule 231(d)(2). 25 III. Analysis 26 As a preliminary matter, plaintiff has not satisfied the requirements of this Court’s local 27 rule governing applications for

preliminary injunctions. Plaintiff has not filed a brief on all 28 relevant legal issues presented by the motion and has not filed an affidavit in support of the 1 existence of an irreparable injury.

Further, there is no evidence that the motion was served on 2 defendants. Plaintiff filed a document titled “notice of filing” (ECF No. 7) at the same time 3 plaintiff filed the request for preliminary injunction. In this “notice of filing” plaintiff states that 4 “courtesy copies will be served upon opposing counsel and interested parties consistent with court 5 protocol” (ECF No. 7 at 2), but it is unclear whether plaintiff means courtesy copies of the “notice 6 of filing” or the request for preliminary injunction.

The motion is therefore procedurally defective 7 to the extent it requests a preliminary injunction. See Local Rule 231. Plaintiff’s failure to comply 8 with the requirements of this Court’s local rules is sufficient justification to deny a temporary 9 restraining order. See *Tri-Valley CAREs v. U.S. Dep’t of Energy*, 671 F.3d 1113, 1131 (9th Cir. 10 2012) (“Denial of a motion as the result of a failure to comply with local rules is well within a 11 district court’s discretion.”); see also *Nible v. Macomber*, No. 2:24-cv-01259-DJC-CSK-PC, 2024 12 WL 2133319, at *2 (E.D.

Cal. May 13, 2024) (denying temporary restraining order sought by pro 13 se plaintiff as procedurally deficient). 14 Plaintiff also fails to demonstrate he is likely to succeed on the merits of any claim as 15 required for a preliminary injunction to issue. Plaintiff’s motion does not furnish the Court with 16 any legal authority or evidence supporting plaintiff’s claims.

Plaintiff’s motion appears to mainly 17 argue that a judgment in the Solano County Superior Court is “void” and plaintiff seeks injunctive 18 relief to “prevent further enforcement of the void judgment and to restore lawful possession” of 19 plaintiff’s estate. (ECF No. 6 at 2.)

As the moving party, plaintiff bears the burden of establishing 20 the merits of the claims. See *Winter*, 555 U.S. at 20. Likelihood of success on the merits is the 21 most important *Winter* factor, and it is also relevant to the court’s evaluation of the other factors. 22 See *Baird v. Bonta*, 81 F.4th 1036, 1044 (9th Cir. 2023). Without showing a likelihood of success 23 on the merits, plaintiff also does not establish that the balance of equities tips in plaintiff’s favor, 24 or that an injunction is in the public interest.

See *id.*; *Winter*, 555 U.S. at 20. 25 Plaintiff also does not establish the likelihood that plaintiff will suffer irreparable harm in 26 the absence of preliminary relief. As noted above, plaintiff’s motion requests immediate relief to 27 prevent enforcement of an allegedly void judgment and restore possession of a private estate. 28 (ECF No. 6 at 2.) Nothing in the motion suggests plaintiff is at risk of any irreparable harm in the 1 | absence of preliminary relief.

A plaintiff must demonstrate immediate threatened injury as a 2 || prerequisite to preliminary injunctive relief. *Los Angeles Mem’l Coliseum Comm’n v. □□□□ 3 || Football League*, 634 F.2d 1197, 1201 (9th Cir. 1980).

Here, plaintiff's motion does not come 4 || close to alleging the type of irreparable harm necessary for a preliminary injunction. See *FDIC v. 5 || Garner*, 125 F.3d 1272, 1279 (9th Cir. 1997) (the threat of injury "must be imminent, not remote 6 || or speculative" (citation omitted)), cert. denied, *Garner v. FDIC*, 523 U.S. 1020 (1998); 7 || *Caribbean Marine Servs.*

Co. v. Baldrige, 844 F.2d 668, 674 (9th Cir. 1988) ("Speculative injury 8 | does not constitute irreparable injury sufficient to warrant granting a preliminary injunction."). 9 IV. Recommendation 10 For all the reasons set forth above, IT IS HEREBY RECOMMENDED that plaintiff's 11 | motion for preliminary injunction (ECF No. 6) be denied. 12 These findings and recommendations are submitted to the United States District Judge 13 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen (14) 14 | days after being served with these findings and recommendations, any party may file written 15 || objections with the court and serve a copy on all parties. Such a document should be captioned 16 || "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections 17 || shall be served on all parties and filed with the court within seven (7) days after service of the 18 || objections.

Failure to file objections within the specified time may waive the right to appeal the 19 || District court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 20 | F.2d 1153, 1156-57 (9th Cir. 1991). 21 | Dated: July 22, 2025 ☐☐ ae f | / a Lys a 22 CAROLYN K DELANEY 3 UNITED STATES MAGISTRATE JUDGE 24 || 5, reed.1880.25 25 26 27 28