

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Saqib Kafeel v. Apple Inc., et al.

Kafeel · No. 26-cv-00330-RFL · Decided January 14, 2026

SUMMARY

The United States District Court for the Northern District of California granted Saqib Kafeel’s application to proceed in forma pauperis and denied his ex parte motion for a temporary restraining order seeking restoration of Apple Books publishing accounts and preservation or return of e-books. The court cited the delay in seeking relief and failure to satisfy notice requirements, directed the parties to submit a status report regarding a potential preliminary-injunction motion and service, and provided guidance for self-represented litigants.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Rita F. Lin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 14, 2026
DOCKET	26-cv-00330-RFL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed an application to proceed in forma pauperis and an ex parte motion for a temporary restraining order seeking restoration of access to his Apple Books publishing accounts and preservation and return of his published e-books.
STANDARD OF REVIEW	A plaintiff seeking preliminary injunctive relief must demonstrate a likelihood of success on the merits, likely irreparable harm absent relief, that the balance of equities favors relief, and that an injunction is in the public interest. An ex parte temporary restraining order additionally requires written certification of efforts to provide notice and reasons notice should not be required.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not stated

TOPICS

- injunctions
- civil procedure
- service of process
- commercial litigation
- intellectual property

PRACTICE AREAS

civil procedure

injunctions

commercial litigation

intellectual property

remedies

QUESTIONS PRESENTED

1. Whether Kafeel satisfied the requirements for preliminary injunctive relief.
2. Whether Kafeel satisfied the notice-certification requirements for an ex parte temporary restraining order under Federal Rule of Civil Procedure 65(b)(1)(B) and Civil Local Rule 65-1(a)(5).
3. Whether Kafeel should be permitted to proceed in forma pauperis.

HOLDINGS

1. The court denied Kafeel's motion for a temporary restraining order because his approximately six-month delay in seeking relief undermined an inference of urgency and irreparable harm, and because he failed to provide the required sworn notice certification or a sufficient explanation for dispensing with notice.
2. The court granted Kafeel's application to proceed in forma pauperis.

KEY QUOTATIONS

“A plaintiff seeking injunctive relief must demonstrate “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.””

“His almost six-month delay in seeking injunctive relief “implies a lack of urgency and irreparable harm.””

“But his past communications with Apple about his publishing accounts do not establish he provided notice that he was seeking a temporary restraining order.”

FACTUAL BACKGROUND

Kafeel alleged that Apple terminated his Apple Books publishing accounts in approximately July 2025. He sought restoration of account access, prevention of deletion of his published e-books, and return of those e-books through an ex parte temporary restraining order. He cited prior communications with Apple, including internal support contacts and a formal legal notice, but did not submit a sworn certification showing notice that he was seeking a temporary restraining order or explaining why notice could not be provided.

PROCEDURAL HISTORY

Saqib Kafeel filed suit against Apple Inc. and related entities after his Apple Books publishing accounts were terminated. The district court granted his application to proceed in forma pauperis, denied his ex parte motion for a temporary restraining order, directed that a separate screening order would address the sufficiency of his claims, and ordered status reports concerning a possible preliminary-injunction motion and waiver of service.

DISPOSITION

other

CASES CITED

- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008)
- Oakland Tribune, Inc. v. Chronicle Publishing Co., 762 F.2d 1374, 1377 (9th Cir. 1985)

OPINION

Kafeel

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAQIB KAFEEL, Case No. 26-cv-00330-RFL Plaintiff,

ORDER GRANTING APPLICATION

v. TO PROCEED IN FORMA PAUPERIS

AND DENYING EX PARTE MOTION

APPLE INC., et al., FOR TEMPORARY RESTRAINING

ORDER

Defendants. Re: Dkt. Nos. 2, 3, 4 Saqib Kafeel filed this lawsuit against Apple Inc. and related entities (collectively, Apple) after his Apple Books publishing accounts were terminated. Kafeel has filed an application to proceed in forma pauperis. He also seeks an ex parte temporary restraining order restoring access to his Apple Books publishing accounts, in addition to prohibiting deletion of his published e-books and requiring their return. Kafeel's application to proceed in forma pauperis is GRANTED. Pursuant to 28 U.S.C. § 1915(e)(2), a separate screening order will be issued addressing the sufficiency of his claims, the issuance of the summons, and service. Kafeel's motion for a temporary restraining order is DENIED. A plaintiff seeking injunctive relief must demonstrate "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." Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). Kafeel's publishing accounts appear to have been terminated in July 2025. (Dkt. No. 1 at 11.)¹ His almost six-month delay in seeking injunctive relief "implies a lack of urgency and irreparable harm." See Oakland Trib., Inc. v. Chron. Pub. Co., 762 F.2d 1374, 1377 (9th Cir. 1985). Moreover, a temporary restraining order can only be issued without notice to the adverse party if the plaintiff "certifies in writing any efforts made to give notice and the reasons why it should not be required." Fed. R. Civ. P. 65(b)(1)(B). To effectuate this requirement, Civil Local Rule 65-1(a)(5) requires a motion for a temporary restraining order to be accompanied by a sworn "declaration . . . certifying that notice has been provided to the opposing party, or explaining why such notice could not be provided." As an unsworn part of his motion, Kafeel stated he "attempted to resolve this matter through Apple's internal support," "sent a formal legal notice on August 1, 2025," and faces "ongoing financial destruction and the risk of data deletion." (Dkt. No. 3 at 2.) But his past communications with Apple about his publishing accounts do not establish he

provided notice that he was seeking a temporary restraining order. And he does not provide a good reason why notice could not be provided. These problems would not necessarily preclude Kafeel from seeking a preliminary injunction. In the interest of efficiency, the Clerk of the Court shall send a courtesy copy of Kafeel's Complaint and this Order via email to Apple's counsel in another matter before this Court. The Clerk of the Court shall also send a courtesy copy of this Order to Kafeel's email address in addition to serving it through the mail. Kafeel and Apple are ORDERED to submit a status report by January 28, 2026, stating whether Kafeel will file a motion for a preliminary injunction, a briefing schedule for any such motion, and whether Apple will waive service of process, with service having been deemed complete as of January 28, 2026 (or another date to which the parties agree). A joint status report is strongly preferred, but in light of Kafeel's lack of an attorney and his residence abroad, the parties may each submit their own separate reports if a joint report cannot feasibly be completed. 1 All citations to page numbers refer to ECF pagination. Finally, Kafeel is not represented by a lawyer in this case. The remainder of this Order advises Kafeel of the free legal resources available to a self-represented litigant and of the rules of court, which apply to all litigants, including those proceeding without an attorney.

RESOURCES AVAILABLE

- District Court Website: The District Court website (<https://www.cand.uscourts.gov/pro-se-litigants/>) has information on representing yourself, including basic information on filing, definitions of common legal terms, and templates for use in civil cases.
- Pro Se Handbook: The District Court has produced a guide for pro se litigants called Representing Yourself in Federal Court, which provides instructions on how to proceed at every stage of the case, including discovery, motions, and trial. It is available electronically online (<https://cand.uscourts.gov/representing-yourself/pro-se-handbook>) or you may pick a hard copy free of charge from the Clerk's Office.
- Legal Help Center: You may make an appointment to speak with an attorney who may be able to provide basic legal assistance, but not representation, by reaching out to the Legal Help Center. You may either call (415) 782-8982 or email fedpro@sfbbar.org. This service is provided free of charge by the Bar Association of San Francisco.

RULES OF THE COURT

Below are some of the basic rules of which you should be aware. This list is not exhaustive, and you should refer to the Pro Se Handbook for additional rules of court and further explanations of the below rules.

- Federal Rules of Civil Procedure: These rules, which are available for free online (<https://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure>), govern civil proceedings in all U.S. District Courts.
- Civil Local Rules: In addition to the Federal Rules of Civil Procedure, this District Court has its own set of Civil Local Rules that must be followed. They are available for free online at <http://cand.uscourts.gov/localrules/civil>.
- Standing Orders: Judge Lin has a set of standing orders which must be followed as well. They are available for free online at <https://www.cand.uscourts.gov/judges/lin-rita-f-rfl/>, The Civil Standing Orders, which apply to

this case, are available at <https://cand.uscourts.gov/sites/default/files/standing-orders/RFL-Civil-Standing-Order-11-Q5-2025.pdf>. If this case proceeds to trial, the Civil Trial Standing Orders will also apply. e Electronic Filing: Electronic filing (“e-filing”) allows parties to file documents online instead of submitting hard copies to the Clerk’s Office. Parties representing themselves are not required to use e-filing but may choose to do so. There are no registration costs and no fees for e-filing, but you must obtain court approval first. For more information and to request approval, visit <https://www.cand.uscourts.gov/e-file/>. IT IS SO ORDERED. Dated: January 14, 2026

ALE

RITA F. LIN

United States District Judge