

2026 WL 563023

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United States District Court, C.D. California.

Zeus Realty Group LLC

v.

1032 N Sycamore Owner LA, LLC et al

Case No. 2:26-cv-00272-MEMF-RAO

Filed 02/23/2026

Attorneys and Law Firms

Damon Berry, Deputy Clerk, Attorneys Present for Plaintiffs:

Court Reporter / Recorder, Attorneys Present for Defendants:

Jeff A. Mann, Law Office of Jeff Mann, Los Angeles, CA, for Zeus Realty Group LLC.

Daniel L. Goodkin, Goodkin Law Group, Los Angeles, CA, Seymour B. Everett III, Izaiah Enrique Chacon, Everett Dorey LLP, Irvine, CA, Michael Abtin Shakouri, Meta Law Group, APC, Los Angeles, CA, for 1032 N Sycamore Owner LA, LLC.

PROCEEDINGS: (IN CHAMBERS) ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER [DKT. NO. 9]

The Honorable: Maame Ewusi-Mensah Frimpong

*1 Before the Court is the Motion for Preliminary Injunction filed by Plaintiff Zeus Realty Group LLC on January 23, 2026. Dkt. No. 9 (“Motion”). For the below reasons, the Court DENIES the Motion.

I. Factual and Procedural Background

On December 2, 2025, Plaintiff filed suit in the Los Angeles Superior Court. Dkt. No. 1-2. Plaintiff alleges: (1) declaratory relief—rent abatement; (2) breach of lease; (3) breach of quiet enjoyment; (4) breach of covenant of good faith and fair dealing; (5) injunctive relief; and (6) unjust enrichment. *See generally id.* The Complaint alleges that Defendant 1032 N. Sycamore Owner LA LLC failed to perform mandatory repairs, refused to pursue available insurance, and attempted to prosecute an unlawful detainer based on a facially defective

notice—following a water pressure surge that caused damage to recording facility. *Id.* ¶ 1. Plaintiff and Defendant had entered into a lease regarding the recording facility. *Id.* ¶ 9.

On January 9, 2026, Defendant removed the action to this Court. Dkt. No. 1.

On January 12, 2026, Plaintiff filed a Motion to Remand. Dkt. No. 4. On January 23, 2026, Plaintiff filed the instant Motion. On January 28, 2026, Defendant filed an opposition. Dkt. No. 11 (“Opposition”). On January 30, 2026, Plaintiff filed a Reply. Dkt. No. 15 (“Reply”).

II. Applicable Law

Rule 65(a) of the Federal Rules of Civil Procedure provides that a court may issue a preliminary injunction “only on notice to the adverse party.” Fed. R. Civ. P. 65(a)(1). Rule 65(b)(1) provides that a court may issue a temporary restraining order without notice to the adverse party only if there are specific facts in an affidavit or complaint that show “immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard,” and the movant 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).

A party seeking preliminary injunctive relief must make a “clear showing” that: (1) it is likely to succeed on the merits; (2) it is likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in its favor; and (4) an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20, 22 (2008). A preliminary injunction is an “extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Id.* at 22. Further, a plaintiff must show a “relationship between the injury claimed in the motion for injunctive relief and the conduct asserted in the underlying complaint.” *Pac. Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 635 (9th Cir. 2015) (emphasis added).

III. Discussion¹

A. Plaintiff Satisfied Rule 65 Notice Requirements.

*2 The Court finds that Plaintiff gave proper notice to Defendants under Rule 65(b)(1). Jeff A. Mann's Declaration states that Mann attempted to provide notice of this Motion

to Defendant, but no substantive response was received. Dkt. No. 9-3 ¶¶ 4-6; Fed. R. Civ. P. 65(b)(1).

In Plaintiff's Motion, Plaintiff seeks an Order enjoining Defendant from interfering with Plaintiff's possession, use, or occupancy of the leased recording facility ("premise"). Motion at 2. Because the claimed injury involves the alleged improper unlawful detainer of the premise, it appears that issuance of a TRO contemplates the existing case and complaint. *Pac. Radiation Oncology LLC*, 810 F.3d at 635.

B. The Court Does Not Have Jurisdiction.

Here, the Court finds that Plaintiff has not established a serious question on the merits because the Court does not appear to have jurisdiction. Plaintiff argues that the Court's jurisdiction is based on Defendant's removal action pursuant to 28 U.S.C. §§ 1441, 1446. Motion at 9-10; Reply at 3-5; see Dkt. No. 1.

Pursuant to the Anti-Injunction Act, 28 U.S.C. § 2283, "[a] court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments." "The mere existence of a parallel action in state court does not rise to the level of interference with federal jurisdiction necessary to permit injunctive relief under the "necessary in aid of" exception." *Id.* at 740. "It is [] clear that a federal court may enjoin the continued prosecution of the same case in state court after its removal." *Id.* (emphasis added). "We note that the exceptions to the Anti-Injunction Act must be construed narrowly and doubts as to the propriety of a federal injunction against a state court proceeding should be resolved in favor of permitting the state action to proceed." *Lou v. Belzberg*, 834 F.2d 730, 739 (9th Cir. 1987). "Unless one of the statutory exceptions applies, a federal injunction restraining prosecution of a lawsuit in state court is absolutely prohibited." *Id.* at 739-40; *Mitchum v. Foster*, 407 U.S. 225, 228-29 (1972).

Abstention under *Younger v. Harris*, 401 U.S. 37 (1971) is "essentially a jurisdictional doctrine ... [that] determin[e]s when the federal courts must refrain from exercising jurisdiction." *Canatella v. California*, 404 F.3d 1106, 1113 (9th Cir. 2005). *Younger* "forbids federal courts from unduly interfering with pending state court proceedings that implicate important state interests." *Potrero Hills Landfill, Inc. v. County of Solano*, 657 F.3d 876, 881 (9th Cir. 2011). A

federal court may raise abstention on its own motion. *Bellotti v. Baird*, 428 U.S. 132, 143 n.10 (1976). Abstention under *Younger* is required if the state proceedings are "(1) ongoing, (2) implicate important state interests, and (3) provide the plaintiff an adequate opportunity to litigate federal claims." *San Remo Hotel v. City and County of San Francisco*, 145 F.3d 1095, 1103 (9th Cir. 1998).

As discussed in the Motion, the state court proceedings are ongoing. Motion at 6 (stating that the unlawful detainer court denied Plaintiff's ex parte application to stay the proceedings). Thus, for the Court to exercise jurisdiction over this action, there must be an Anti-Injunction Act exception and the *Younger* abstention must not apply.

*3 First, Plaintiff does not point to an Act of Congress expressly exempting unlawful detainer actions from the Anti-Injunction Act. See generally Motion. Plaintiff contends that Defendant's removal provides an exception to the Anti-Injunction Act. *Id.* at 9-10 (citing *Lou*, 834 F.2d at 740); Reply at 4-5 (citing *Seedman v. U.S. Dist. Court*, 837 F.2d 413, 414 (9th Cir. 1988); then citing *Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 714 (1996)). However, none of Plaintiff's cited cases stand for the proposition that a removal action provides a Court with full authority to enjoin a state unlawful detainer action. *Lou*, 834 F.2d at 741 (analyzing the exception under 28 U.S.C. § 1446(e)'s counterclaim subsection); *Seedman*, 837 F.2d 414 (not addressing the Anti-Injunction Act); *Quackenbush*, 517 U.S. at 714 (same). And, as determined by the Ninth Circuit in *Lou*, the mere existence of the unlawful detainer action does not rise to the level of interference warranting an injunction. 834 F.2d at 740. Plaintiff has not shown that the unlawful detainer action interferes with the Court's jurisdiction. Opposition at 11-12. Thus, Plaintiff has not demonstrated an exception to the Anti-Injunction Act.

Second, Plaintiff asserts that the "*Younger* abstention is inapplicable" based on Defendant's alleged bad faith unlawful detainer action. Motion at 9-10; Reply at 5-6. In *Younger*, the Supreme Court held that there was "no suggestion that [the state] prosecution ... [was] brought in bad faith" and thus, reversed the district court's issuance of an injunction. 401 U.S. at 49-50. Although landlord-tenant disputes may not involve important state interests, Reply at 6 (citing *Logan v. U.S. Bank Nat 7 Ass'n*, 722 F.3d 1163, 1167-68 (9th Cir. 2013)), they are matters of state law so "an action for eviction cannot be the basis for federal question jurisdiction" without a finding of bad faith. *Id.*; *Round Valley Indian Housing*

Authority v. Hunter, 907 F. Supp. 1343, 1348 (N.D. Cal. 1995) (citing *Powers v. United States Postal Service*, 671 F.2d 1041, 1045 (7th Cir. 1982) (“[F]ederal common law of landlord and tenant does not exist.”)).

Here, like *Younger*, the record does not support a finding of bad faith. In the Motion, Plaintiff cites to Exhibits D through F, and H to contend that the unlawful detainer action was brought in bad faith and harassment. Motion at 9-10. The Exhibits, however, do not substantiate Defendant's bad faith initiation of the unlawful detainer action. Dkt. No. 1-10. Exhibit D involves expert reports solely on the “examination of historical documentation” and “does not involve visiting the site, inspecting current conditions, assessing code conformity, or conducting structural analysis.” *Id.* at 6-108. Exhibit E is a report summarizing the water pressure single damage. *Id.* at 110-13. Exhibit F involves a mold assessment report recommending remediation. *Id.* at 114-16. But this report was conducted on October 13, 2025—nearly six weeks after the water pressure single accident. *Id.* As a result, it does not support Plaintiff's contention that Defendant concealed defects. Motion at 9-10. And Exhibit H is a summary from the Los Angeles Department of Building and Safety's website, indicating that the leased property is under investigation. *Id.* at 146-47. Taken together, the Exhibits do not support a finding of bad faith as they do not relate to Defendant's alleged retaliatory intent. Without further showing of Defendant's giving rise to retaliatory unlawful detainer claim, Plaintiff has not demonstrated bad faith.

Additionally, Plaintiff argues that *Younger* is inapplicable because an unlawful detainer forum provides “no meaningful opportunity to litigate complex federal due process, fraud, and habitability claims.” Motion at 10. In particular, Plaintiff asserts that an unlawful detainer action negatively affects its discovery and preparation efforts. *Id.*; Reply at 6-7. Plaintiff, however, has already obtained expert reports and potential witnesses, which Plaintiff heavily cites in its Complaint and this Motion. Notably, Plaintiff had the opportunity and *did* pursue a stay in the unlawful detainer action, which was denied on January 22, 2026. Dkt. No. 12-8; Opposition at 11, 14-15.

*4 Plaintiff relies on *Younger* and *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass'n.*, 457 U.S. 423, 435 (1982). Motion at 10. The Supreme Court, in those cases, favored the principles of comity and found that there should be abstention “unless it plainly appears that [state proceedings]

would not afford adequate protection” *Younger*, 401 U.S. at 45; *Middlesex Cnty. Ethics Comm.*, 457 U.S. at 435 (“No proceedings have occurred on the merits and therefore no federal proceedings on the merits will be terminated by application of *Younger* principles. It would trivialize the principles of comity and federalism if federal courts failed to take into account that an adequate state forum for all relevant issues has clearly been demonstrated to be available prior to any proceedings on the merits in federal court.”). In sum, Plaintiff has not demonstrated that unlawful detainer proceedings are wholly inadequate to adjudicate its claims.

Accordingly, Plaintiff has not established that the *Younger* abstention is inapplicable.

The proceedings implicate important state interests—landlord-tenant disputes. *See Hunter*, 907 F. Supp. at 1348. Plaintiff has an adequate state forum to pursue federal claims, through his counsel. *See In re Perl*, 811 F.3d 1120, 1127-28 (9th Cir. 2016) (finding that California courts provide an adequate forum—unlawful detainer proceedings—for landlord-tenant disputes). Through the unlawful detainer action, Plaintiff has the opportunity to present its arguments and defenses to avoid eviction. Thus, abstention is required.

Finally, because *Younger* abstention is required, leave to amend the Complaint and a TRO are unwarranted. *See San Remo Hotel*, 145 F.3d at 1103 (amendment is futile where *Younger* abstention is required); *Erichsen v. County of Orange*, 677 F. App'x 379, 381 (9th Cir. 2017) (district court properly held *Younger* abstention required denial of TRO application).

Even if the Court found an exception to the Anti-Injunction Act and the *Younger* abstention doctrine is inapplicable, the Court still lacks jurisdiction over Defendant.

“Federal courts are courts of limited jurisdiction,” and can only hear cases where there is a valid basis for federal jurisdiction. *Richardson v. United States*, 943 F.2d 1107, 1112 (9th Cir. 1991). One possible basis for jurisdiction is diversity jurisdiction. *See* 28 U.S.C. § 1332 (“Section 1332”). Diversity jurisdiction requires “requires complete diversity of citizenship and an amount in controversy greater than \$75,000.” *Canela v. Costco Wholesale Corp.*, 971 F.3d 845, 849 (9th Cir. 2020). Another possible basis for jurisdiction is federal question jurisdiction, which grants federal courts jurisdiction over “civil actions arising under the Constitution,

laws, or treaties of the United States.” 28 U.S.C. § 1331 (“Section 1331”).

First, Plaintiff’s First Amended Complaint asserts twelve (12) causes of action—none of which involve a federal statute, regulation, or remedy. *See generally* Dkt. No. 1-11. Thus, there is no jurisdiction under Section 1331.

Second, the record does not substantiate diversity jurisdiction. Ninth Circuit authority holds that: “A limited liability company ‘is a citizen of every state of which its owners/ members are citizens,’ not the state in which it was formed or does business.” *NewGen, LLC v. Safe Cig, LLC*, 840 F.3d 606, 612 (9th Cir. 2016). And a limited liability company must allege the citizenship of its members. *Id.* Plaintiff’s sole member, Patrizio Moi, is domiciled in California. Dkt. No. 14-1 ¶ 2. In Defendant’s Notice of Removal, it states that it “is a Delaware limited liability company with its principal place of business in California. Upon information and belief, none of its members are citizens of Wyoming.” Dkt. No. ¶ 6. Defendant has not identified the citizenship of its members. As such, its Notice of Removal contains defective jurisdictional allegations. *NewGen*, 840 F.3d at 612 (finding defective jurisdictional allegations where a limited liability company only stated the state of incorporation and

principal place of business *without* alleging the citizenship of its members). Therefore, there is no jurisdiction under Section 1332.

*5 Taken together, the Court lacks jurisdiction over Defendant. Accordingly, the Complaint is dismissed without leave to amend, the TRO motion is denied, and this action is dismissed without prejudice.

IV. Conclusion

Accordingly, the Court does not find preliminary injunctive relief is warranted. For the foregoing reasons, the Court hereby DENIES the Motion.

IT IS SO ORDERED.

____ : ____

Initials of Deputy Clerk ____

All Citations

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Footnotes

1 As an initial matter, the Court notes that in Defendant’s Opposition. Defendant asserts that Plaintiff has filed numerous pleadings based on the same legal and factual grounds already ruled upon by the trial court in the unlawful detainer action. Opposition at 11. Defendant further claims that it believes Plaintiff’s recent filings are a product of Artificial Intelligence. *Id.* The Court notes that Plaintiff’s Motion includes citations to nonexistent cases and inaccurate quotations. *See* Opposition at 910. As stated herein, the Court denies the Motion based on a lack of jurisdiction. Although Defendant’s contentions regarding estoppel and artificial intelligence do not directly center on jurisdiction, the Court will address the arguments where relevant.