

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 31 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KABITA CHOUDHURI,

Plaintiff-Appellant,

v.

WELLS FARGO BANK, N.A.; TREENA
BERLINSKY,

Defendants-Appellees.

No. 17-15192

D.C. No. 3:15-cv-03608-VC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Vince G. Chhabria, District Judge, Presiding

Submitted May 24, 2017**

Before: THOMAS, Chief Judge, and SILVERMAN and RAWLINSON,
Circuit Judges.

Kabita Choudhuri appeals pro se from the district court's order denying her motion for a preliminary injunction in her action concerning a mortgage loan. We have jurisdiction under 28 U.S.C. § 1292(a). We review for an abuse of discretion.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Am. Hotel & Lodging Ass'n v. City of Los Angeles, 834 F.3d 958, 962 (9th Cir. 2016). We affirm.

The district court did not abuse its discretion by denying as moot Choudhuri's motion for a preliminary injunction because Choudhuri failed to establish a likelihood of irreparable harm in light of Wells Fargo's agreement to maintain the status quo pending the outcome of this case. *See Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008) ("A plaintiff seeking a preliminary injunction must establish . . . that he is likely to suffer irreparable harm in the absence of preliminary relief . . .").

The district court did not abuse its discretion by denying Choudhuri's motion for reconsideration because Choudhuri failed to demonstrate any basis for reconsideration. *Sch. Dist. No. 1J, Multnomah Cty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration).

Contrary to Choudhuri's contention, the district court was not required to hold a hearing and allow oral argument prior to ruling on the preliminary injunction motion. *See N.D. Cal. Civ. L.R. 7-1(b)* ("In the Judge's discretion . . . a motion may be determined without oral argument or by telephone conference call.").

We reject as unsupported by the record Choudhuri's contention that the

district court failed to provide adequate notice that the preliminary injunction motion would be considered at the January 17, 2017 case management conference.

AFFIRMED.