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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

LaShauna Coleman,	)	No. CV 09-2692 PHX DGC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
American Home Mortgage Servicing, Inc., et al.,	)	
	)	
Defendants.	)	

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Plaintiff LaShauna Coleman has filed a motion for a temporary restraining order under Federal Rule of Civil Procedure 65(b) and a motion to vacate a trustee’s sale. Dkt. #5. She has also filed a motion for expedited consideration of her motion. Dkt. #10.

Plaintiff has not effected service on any Defendant. As a result, no Defendant has received notice of her motion for a temporary restraining order or her request for expedited consideration. Federal Rule of Civil Procedure 65 does not allow a court to issue a temporary restraining order without notice to the adverse party unless the party seeking the order presents facts showing immediate injury and that efforts have been made to give notice. Fed. R. Civ. P. 65(b)(1). Plaintiff has made no such showing, and the facts suggest that she cannot. Plaintiff has known about the trustee sale since July of 2009 (Dkt. #10 at 4), and yet Plaintiff waited until 13 days after the trustee’s sale to file her complaint and request a temporary restraining order. Plaintiff has not shown that efforts have been made to give notice to Defendants, has not shown cause for her delay in filing, has not requested issuance

1 of a temporary restraining order without notice, and, even if she had, has not shown cause  
2 for the Court to issue such an order without notice under Rule 65(b)(1). The Court will deny  
3 the motion for expedited consideration of the temporary restraining order because Defendants  
4 must receive notice of the complaint and motion.

5 The Court will set a hearing on **January 27, 2010 at 10:00 a.m.** for consideration of  
6 Plaintiff's motion for a temporary restraining order. At least seven days before the date of  
7 the hearing, Plaintiff must have served or attempted to serve every Defendant in accordance  
8 with Rule 4 of the Federal Rules of Civil Procedure. Service to each Defendant must include  
9 a copy of this order. Plaintiff must serve Defendants who are individuals in accordance with  
10 Rule 4(e) and Defendants that are corporations in accordance with Rule 4(h). Plaintiff must  
11 file with the Court valid proof of service for each Defendant in accordance with Rule 4(l).  
12 On the date of the hearing, Plaintiff must be prepared to explain all efforts she made to notify  
13 each Defendant of the suit and the hearing.

14 **IT IS ORDERED:**

- 15 1. Plaintiff's motion for expedited review of the motion for a temporary  
16 restraining order (Dkt. #10) is **denied**.
- 17 2. A hearing on Plaintiff's request for a temporary restraining order is set for  
18 **January 27, 2010 at 10:00 a.m.**

19 DATED this 7th day of January, 2010.

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David G. Campbell  
United States District Judge