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

8 Vicky S. Benson,

9 Plaintiff,

10 v.

11 Daren W. Jantz; Vanderbilt Mortgage and Finance,  
12 Inc., et al.,

13 Defendants.

NO. CV-12-1693-PHX-FJM

**ORDER**

14 Pending before the Court is Plaintiff’s Ex Parte Application for Temporary  
15 Restraining Order (Doc. 3). For the reasons discussed below, the application for TRO is  
16 denied.

17 On August 9, 2012, Plaintiff Vicky S. Benson filed her Complaint in this action  
18 and moved for leave to proceed in forma pauperis. (Docs. 1, 2). She does not appear to  
19 have served the Complaint or to have otherwise provided notice to Defendants of her suit.  
20 (See Docs. 1, 3). Also on August 9, Plaintiff moved for an ex parte TRO, arguing that she  
21 “will be wrongfully removed from her single family home without the benefit of a  
22 hearing.” (Doc. 3 at 3).

1 Federal Rule of Civil Procedure 65(b) provides:

2 The court may issue a temporary restraining order without  
3 written or oral notice to the adverse party or its attorney only  
if:

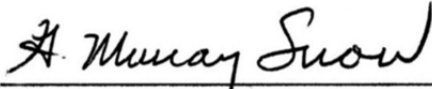
4 (A) specific facts in an affidavit or a verified complaint  
5 clearly show that immediate and irreparable injury, loss, or  
6 damage will result to the movant before the adverse party can  
be heard in opposition; *and*

7 (B) the movant's attorney certifies in writing any efforts made  
to give notice and the reasons why it should not be required.

8 FED. R. CIV. P. 65(b) (emphasis added). Plaintiff has failed to provide any writing stating  
9 the reasons why notice to Defendants of her TRO application should not be required nor  
10 does it appear that she has provided Defendants with notice of her request for a hearing.  
11 The Court will therefore deny Plaintiff's motion for a TRO without prejudice to her filing  
12 it again in compliance with the rule.

13 **IT IS THEREFORE ORDERED** that Plaintiff's Ex Parte Application for  
14 Temporary Restraining Order (Doc. 3) is **DENIED** without prejudice.

15 Dated this 9th day of August, 2012.

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18 G. Murray Snow  
United States District Judge