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

Adam C. Cytron,
Plaintiff,
vs.
PHH Mortgage Corp. et. Al,
Defendants.

No. CV16-2441-PHX-DGC

ORDER

Yesterday, at 4:30 p.m., Plaintiff filed an emergency motion to block a trustee’s sale of his property scheduled for today. Doc. 2. Plaintiff’s motion asked the Court to grant a temporary restraining order (“TRO”) by 5:00 p.m. yesterday. *Id.* The Court was in a jury trial yesterday, and did not see Plaintiff’s motion until this morning. For the reasons that follow, the motion will be denied.

To obtain preliminary injunctive relief such as a TRO, a plaintiff must show that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of relief, that the balance of equities tips in his favor, and that injunctive relief is in the public interest. *Winter v. Natural Res. Def. Council*, 555 U.S. 7 (2008). The test includes a sliding scale. If the plaintiff shows that the balance of hardships will tip sharply in his favor, he need not make a strong showing of likelihood of success on the merits – the existence of serious questions will suffice. *Alliance for Wild Rockies v. Cottrell*, 622 F.3d 1045, 1049-53 (9th Cir. 2010).

1 Plaintiff's motion does not address any of these factors. Plaintiff argues that he
2 has canceled his mortgage, that Defendants have unclean hands, and that the Court can
3 stay proceedings related to the trustee's sale, among other arguments. Plaintiff does not
4 clearly identify the legal claims upon which his TRO request is based. He asserts that he
5 has "overwhelming evidence" of Defendants' unclean hands, but the attachments to his
6 motion are difficult to decipher. They appear to be a combination of excerpts from
7 "infransen Blog" and emails related to this case, but Plaintiff attaches no declaration or
8 affidavit. He does make reference to his complaint, but it is not sworn. Doc. 1. Thus, in
9 addition to failing to address the requirements for a TRO, Plaintiff has failed to provide
10 proper supporting evidence.

11 Plaintiff also asks for a TRO without notice, but he has failed to address the
12 requirements of Federal Rule of Civil Procedure 65(b). Nor does he provide the affidavit
13 or verified complaint required by that rule. Fed. R. Civ. P. 65(b)(1)(A).

14 **IT IS ORDERED:**

15 1. Plaintiff's motion for temporary restraining order without notice (Doc. 2) is
16 **denied.**

17 2. Plaintiff's motion for leave to appear in forma pauperis (Doc. 3) is
18 improperly filed and is therefore **denied.**

19 Dated this 22nd day of July, 2016.

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David G. Campbell
24 United States District Judge