

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**LINDA R. MURRAY**

**PLAINTIFF**

**v.**

**CASE NO. 4:09-CV-0349 BSM**

**MORTGAGE MITIGATION CLEARING  
HOUSE, INC.; LITTON LOAN SERVICING,  
LP; and BANK OF AMERICA, N.A.**

**DEFENDANTS**

**ORDER**

Before the court is plaintiff Linda R. Murray's ex-parte emergency motion for temporary restraining order. The court held a telephone hearing on the motion May 15, 2009, at 11:00 a.m. In the hearing, Murray requested that the court enjoin her eviction by defendants Bank of America or Litton Loan Servicing. Mortgage Mitigation Clearinghouse, Inc. was not represented at the hearing.

Federal Rule of Civil Procedure 65 governs the issuance of temporary restraining orders. In deciding a motion for a temporary restraining order or a preliminary injunction, the court must consider the following factors: (1) the probability of success on the merits; (2) the threat of irreparable harm to the movant; (3) the balance between this harm and the injury that granting the injunction will inflict on other interested parties; and (4) whether the issuance of an injunction is in the public interest. *Dataphase Systems, Inc. v. C L Systems, Inc.*, 640 F.2d 109, 113 (8th Cir. 1981). Based on the complaint, attachments thereto, and the statements of counsel during the hearing, plaintiff Murray has not shown a likelihood of success on the merits against defendants Litton Loan Servicing or Bank of America. There

is no indication or allegation that defendant Mortgage Mitigation Clearinghouse, Inc. has the power to stop Murray's eviction.

Accordingly, plaintiff Linda R. Murray's ex-parte emergency motion for temporary restraining order (Doc. No. 2) is denied.

IT IS SO ORDERED this 18th day of May, 2009.

  
UNITED STATES DISTRICT JUDGE