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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-747 AHM (MANx)	Date	January 26, 2011
Title	MIGUEL MELENA v. OPTEUM FINANCIAL SERVS., LLC, <i>et al.</i>		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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Stephen Montes Deputy Clerk	Not Reported Court Reporter / Recorder	Tape No.
Attorneys NOT Present for Plaintiffs:	Attorneys NOT Present for Defendants:	

Proceedings: IN CHAMBERS (No Proceedings Held)

On January 25, 2011, Plaintiff filed an application for a temporary restraining order (“TRO”),¹ restraining and enjoining defendants from engaging in or performing any act to deprive Plaintiff of ownership or possession of real property located at 1106 E. Mauretania St., Wilmington, CA 90744. Plaintiff also filed an ex parte application for a preliminary and permanent injunction to stay eviction.²

Plaintiff’s application for a TRO is materially deficient. Plaintiff does not even address the merits of his underlying complaint. In addition, Plaintiff does not identify the pending irreparable harm, and claims the foreclosure on his home is “scheduled” for June 30, 2010.

Plaintiff’s application for a preliminary injunction and permanent injunction is also materially deficient. Plaintiff’s failure to address the merits of his underlying complaint precludes him from demonstrating a likelihood of success on the merits, the first requirement to secure an injunction. *See Winter v. Natural Resources Defense Council, Inc.*, — U.S. —, 129 S. Ct. 365, 374 (2008)

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¹Dkt. 2.

²Dkt. 3.

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Having reviewed and considered Plaintiff’s papers, the Court concludes that Plaintiff has failed to establish a probability of success on the merits and DENIES both the application for a TRO and the application for a preliminary and permanent injunction.

Initials of Preparer _____ : _____