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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DALE SABACKY,

Plaintiff,

v.

ONEWEST BANK, F.S.B., a
bank; STATE OF CALIFORNIA, a
sovereign state entity;
SUPERIOR COURT OF THE STATE
OF CALIFORNIA, a judicial
state entity; JERRY BROWN,
as Governor of the State of
California; KAMALA HARRIS,
as Attorney General of the
State of California; JUDGE
DAVID S. WESLEY, Presiding
Judge of the Superior Court
of the County of Los
Angeles; SHERIFF OF THE
COUNTY OF LOS ANGELES, an
enforcement peace officer as
an arm of the Superior
Court; FIRST FEDERAL BANK OF
CALIFORNIA; MTC FINANCIAL
INC., dba Trustee Corps, as
Trustee; T.D. SERVICE
COMPANY, as Trustee;
NATIONAL CITY MORTGAGE, and
Does 1-10,

Defendants.

) Case No. CV 15-00546 DDP (KK)
)
) **ORDER DENYING APPLICATION FOR**
) **TEMPORARY RESTRAINING ORDER AND**
) **THE REQUEST IN THE ALTERNATIVE**
) **FOR A STAY OF PROCEEDINGS**
)
) [Dkt. No. 1.]

1 On January 23, Plaintiff filed a complaint with this Court
2 regarding an unlawful detainer matter pending in state court. As
3 part of the complaint, Plaintiff seeks, as his first Cause of
4 Action, a "writ of mandate for temporary restraining order and
5 preliminary injunction for all defendants." (Complaint at 10.)
6 More specifically, he seeks "an order enjoining the defendant
7 governmental officials from the continued processing of this
8 plaintiff's UD action removed to this court, and further to enjoin
9 the foreclosing defendants from any resale, re-conveyance or
10 hypothecation of the subject premises pendent lite."¹ (Complaint,
11 ¶ 16.) Although this request would more properly come before the
12 Court as a separate application, see L.R. 65-1, for reasons of
13 economy and because Plaintiff is not represented the Court
14 considers the application on the merits.

15 "The standard for issuing a temporary restraining order is
16 identical to the standard for issuing a preliminary injunction."
17 Whitman v. Hawaiian Tug & Barge Corporation/Young Bros., Ltd.
18 Salaried Pension Plan, 27 F.Supp.2d 1225, 1228 (D.Haw.1998). Thus,
19 to succeed in an application for a TRO, the moving party must show
20 "either a likelihood of success on the merits and the possibility
21 of irreparable injury, or that serious questions are raised and the
22 balance of hardships tips sharply in the movant's favor." Coal.
23 for Econ. Equity v. Wilson, 122 F.3d 692, 700 (9th Cir. 1997). As
24

25 ¹Despite Plaintiff's characterization, the Court does not
26 consider the state court matter to have been "removed to this
27 court" in this case. See Onewest Bank FSB v. Dale Sabacky, No.
28 2:14-cv-09308-DDP-FFM, Dkt. No. 8 (Dec. 15, 2014) (prohibiting
Plaintiff from filing any further notice of removal from Los
Angeles Superior Court without an order of the Court or the Chief
Judge).

1 to success on the merits, Plaintiff presents no argument other than
2 the conclusory statement that "defendants have little or no
3 defenses the serious allegations against them [sic] and otherwise
4 have has [sic] no justiciable claims against Plaintiff."
5 (Complaint, ¶ 19.) The Court finds that there is no cause to grant
6 the TRO requested.

7 Plaintiff also "move[s] for" a stay of proceedings in the
8 event that the TRO is denied. (Complaint at 12:16-19.) A motion
9 for a stay of proceedings should be a noticed motion filed in
10 accordance with local rules.

11 The application for a temporary restraining order, and the
12 request in the alternative for a stay of proceedings, are hereby
13 DENIED.

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15 IT IS SO ORDERED.

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18 Dated: January 26, 2015


DEAN D. PREGERSON
United States District Judge

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