

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GERARDO CONTRERAS and LAURA
ALVARADO,

Plaintiffs,

v.

RESIDENTIAL CREDIT SOLUTIONS,
et al.,

Defendants.

1:10-CV-02361-OWW-GSA

ORDER TO SHOW CAUSE WHY MOTION
FOR TEMPORARY INJUNCTION
SHOULD NOT BE DENIED WITH
PREJUDICE AS MOOT

Plaintiffs Gerardo Contreras and Laura Alvarado ("Plaintiffs") proceed with an action seeking injunctive relief against Residential Credit Solutions and Quality Loan Service Corp. ("Defendants"). (Doc. 1). Plaintiffs contend that Defendants wrongfully foreclosed on their residential real property. Plaintiffs filed an application for a temporary restraining order on December 20, 2010. (Doc. 2). Plaintiffs seek an order:

restraining and enjoining [Defendants]...from engaging in or performing any act to deprive Plaintiffs of their residence...including but not limited to setting aside or postponing lock-out eviction proceedings November 18, 2010...or from otherwise taking any steps whatsoever to deprive Plaintiffs of their residence in and possession of the property or to impair or degrade the value of the property.

(Doc. 2 at 1-2).

1 Plaintiffs contend that they will suffer immediate and
2 irreparable harm if they are evicted from their home. (Doc. 2 at
3 2, 3-4). However, Plaintiff's motion indicates that (1) the
4 subject property has already been foreclosed upon; (2) an unlawful
5 detainer order has already issued; and (3) the eviction Plaintiffs
6 seek to enjoin was scheduled to occur on November 18, 2010, over a
7 month before Plaintiffs filed their motion. (Doc. 2 at 2).
8 Plaintiffs signed the motion on November 17, 2010, but did not file
9 it until December 20.

10 Facts alleged in Plaintiffs' motion suggest that Plaintiffs'
11 request for a temporary restraining order is moot, as the actions
12 Plaintiffs seek to prevent appear to have already occurred.
13 Plaintiffs are ordered to show cause why the motion should not be
14 denied as moot. Plaintiffs shall file a response to this order to
15 show cause no later than 10 days after receiving notice of this
16 order.

17 IT IS SO ORDERED.

18 **Dated: December 22, 2010**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE