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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

PAUL M. HOWARD,

Plaintiff,

v.

**FEDERAL HOME LOAN MORTGAGE
CORPORATION aka Freddie Mac,
U.S. BANK, N.A., as Trustee for TruCap
Grantor Trust 2010-2 and ASSURED
LENDER SERVICES, INC.,**

Defendants.

1: 11-CV-1053 AWI GSA

**TEMPORARY RESTRAINING
ORDER**

**ORDER TO SHOW CAUSE WHY
PRELIMINARY INJUNCTIVE
RELIEF SHOULD NOT BE
GRANTED**

[Document #10]

On June 24, 2011, Plaintiff filed an emergency motion for a temporary restraining order. Plaintiff requests an order enjoining Defendants from proceeding with a Trustee’s Sale, currently set for June 28, 2011. The court having reviewed Plaintiff’s motion and the complaint and finds good cause to issue a temporary restraining order. The evidence before the court reveals that, absent a temporary restraining order, the property at issue may be sold before the parties can provide full briefing on the issues. The evidence before the court also shows that Plaintiff has provided written notice of the motion by causing a letter and the moving papers to be faxed to Defendants, informing them of the temporary restraining order.

Accordingly, the court ORDERS that:

1. Plaintiff’s motion for a temporary restraining order is GRANTED;

- 1 2. Defendants U.S. Bank, N.A., and Assured Lender Services, Inc.,
2 ("Defendants") shall appear on July 11, 2011 at 1:30 p.m. in Courtroom
3 Two and show cause why a Preliminary Injunction should not be granted,
4 restraining and enjoining Defendants and their officers, employees, agents,
5 servants, contractors, and representatives, and all persons and entities
6 acting by or through them from proceeding with a Trustee Sale ("Trustee
7 Sale") on Unit 4 of 2108 Palisade Avenue, #1-4, Modesto, California ("the
8 Property");
- 9 3. Defendants SHALL file and serve their response to the Order to Show
10 Cause by 4:00 p.m. on July 1, 2011;
- 11 4. Plaintiff SHALL file any reply by 4:00 p.m. on July 6, 2011;
- 12 5. Defendants are enjoined from proceeding with the Trustee Sale, currently
13 set for June 28, 2011, at 12:00 p.m., on the Property until further order of
14 the Court; and
- 15 6. Plaintiff is ORDERED to serve copies of this order and the complaint,
16 along with all exhibits, on Defendants no later than 10:00 a.m. on June 27,
17 2011.

18 IT IS SO ORDERED.

19 Dated: June 24, 2011

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22 CHIEF UNITED STATES DISTRICT JUDGE
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