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

**GLENN W. BEVER,**

**Plaintiff,**

**v.**

**CAL-WESTERN RECONVEYANCE  
CORP., CITIMORTGAGE, INC, and  
MORTGAGE ELECTRONIC  
REGISTRATION SERVICES, INC.,**

**Defendants.**

**1: 11-CV-1584 AWI SKO**

**ORDER DENYING MOTION FOR  
TEMPORARY RESTRAINING  
ORDER**

[Document #2]

Plaintiff has filed an *ex parte* motion for a temporary restraining order. Plaintiff seeks a restraining order and order enjoining Defendant Cal-Western Reconveyance Corp. from selling Plaintiff's home located at 466 West Tenaya Avenue, Clovis, CA 93612. Plaintiff also requests the court issue an order to show cause directed at Defendants requiring them to show cause why a preliminary injunction should not be granted.

The court, having reviewed Plaintiff's motion, the complaint, and supporting documents, does not find good cause to issue a temporary restraining order. Plaintiff contends that Defendant Cal-Western Reconveyance Corp. has no legal authority to sell Plaintiff's property. Plaintiff contends that Plaintiff and his wife deeded the Property to Glenn W. Bever and Karen L. Bever as Trustees of the Bever Family Trust. Plaintiff contends that the 2003 Deed of Trust on

1 the property does not allow for a substation of the trustee, and as such, the substation of trustee  
2 filed in 2011 is not valid.

3 A party seeking a preliminary injunction must demonstrate that the party is likely to  
4 succeed on the merits, that the party is likely to suffer irreparable harm in the absence of  
5 preliminary relief, that the balance of equities tips in the party's favor, and that an injunction is in  
6 the public interest. Winter v. Natural Res. Def. Council, Inc., 129 S.Ct. 365, 374 (2008);  
7 National Meat Ass'n v. Brown, 599 F.3d 1093, 1097 (9<sup>th</sup> Cir. 2010). "In each case, courts must  
8 balance the competing claims of injury and must consider the effect on each party of the granting  
9 or withholding of the requested relief." Indep. Liv. Cntr. of Southern Cal., Inc. v. Maxwell-Jolly,  
10 572 F.3d 644, 651 (9<sup>th</sup> Cir. 2009) (quoting Winter, 129 S.Ct. at 376) (internal quotation marks  
11 omitted)).

12 In this action, Plaintiff has not met his burden to show that he is likely to succeed on this  
13 action's merits. While Plaintiff contends that attached to his declaration are the original deed of  
14 trust and the allegedly invalid substation of trustee, no documents are attached to Plaintiff's  
15 declaration. The court has reviewed the docket in this action and finds that these documents are  
16 not provided in some other form. Thus, Plaintiff has failed to meet his burden to obtain a  
17 temporary restraining order at this time.

18 Accordingly, the court ORDERS that Plaintiff's motion for a temporary restraining order  
19 is DENIED without prejudice.

20 IT IS SO ORDERED.

21 Dated: September 23, 2011

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23 CHIEF UNITED STATES DISTRICT JUDGE  
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