

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

ADRIENNE L. COLBERT,	)	Case No.: 1:14-cv-01626 - LJO - JLT
Plaintiff,	)	
v.	)	ORDER DENYING PLAINTIFF’S REQUEST FOR INJUNCTIVE RELIEF
SAGE POINT LENDER SERVICES, LLC, et al.,	)	
Defendants.	)	

Plaintiff Adrienne L. Colbert initiated this action by filing a complaint and a motion to proceed in forma pauperis on October 17, 2014. (Docs. 1-2.) In the Complaint, Plaintiff includes a request for a temporary injunction and stay of the foreclosure sale, which she alleges was scheduled to occur on October 21, 2014. (Doc. 1 at 5.) She has not filed a formal motion for a temporary restraining order or preliminary injunction. However, even assuming the Complaint should be treated as a motion, Plaintiff fails to satisfy the requirements of the Federal Rules of Civil Procedure and Local Rule 231 in seeking injunctive relief.

The Court may only issue injunctive relief without notice to an adverse party if “specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; *and*” the movant “certifies in writing any efforts made to give notice and the reasons why it should not be required.” Fed. R. Civ. P. 65(b) (emphasis added). As a result, the Local Rules provide that “no temporary

1 restraining order shall be granted in the absence of actual notice to the affected party and/or counsel,  
2 by telephone or other means, or a sufficient showing of efforts made to provide notice.” L.R. 231(a).  
3 The Court “consider[s] whether the applicant could have sought relief by motion for preliminary  
4 injunction at an earlier date without the necessity for seeking last-minute relief by motion for  
5 temporary restraining order.” L.R. 231(b). Here, Plaintiff does not detail *any* efforts made to provide  
6 notice to the defendants of the injunctive relief requested. Moreover, Plaintiff fails to provide an  
7 explanation for the delay in seeking an injunction until the eve of the foreclosure sale, which weighs  
8 against the entry of injunctive relief. *See id.*

9 Because Plaintiff’s request for injunctive relief, construed as a motion for a preliminary  
10 injunction, fails to satisfy the requirements of Rule 65 of the Federal Rules of Civil Procedure and  
11 Local Rule 231, the request is **DENIED**.

12  
13 **SO ORDERED**

14 **Dated: October 21, 2014**

15 /s/ Lawrence J. O’Neill  
16 **United States District Judge**  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28