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

ROY LARRY,)
)
Plaintiff,)
)
v.)
)
JPMORGAN CHASE BANK, N.A., a)
National Banking Association; CHASE)
HOME FINANCE, LLC, formerly known)
as CHASE MANHATTAN MORTGAGE)
CORPORATION,)
)
Defendants.)
_____)

2:09-cv-02179-GEB-GGH-PS
ORDER DENYING REQUEST FOR A
TEMPORARY RESTRAINING ORDER

Plaintiff, proceeding in propria persona, filed a request for a temporary restraining order ("TRO") on August 7, 2009, in which he appears to request a TRO that would prevent the sale of his home. The status of the referenced sale is unclear since Plaintiff indicates he became aware of "the Notice of Trustee Sale and the Notice of Defaults" the latter part of last year. Plaintiff argues if the action concerning his home is not halted he will suffer irreparable harm.

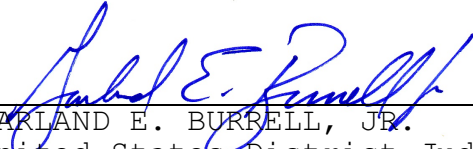
But Plaintiff's conclusory statements in his request do not demonstrate he has a probability of succeeding on the merits of his claims, or that equity favors preventing the harm about which

1 he complains. A & M Records, Inc. v. Napster, Inc., 239 F.3d 1004,
2 1013 (9th Cir.2001) (discussing injunction standard).

3 Further, under the applicable local rule on injunctions,
4 "[s]hould the Court find that the applicant unduly delayed in
5 seeking injunctive relief, the Court may conclude that the delay
6 [in seeking a TRO] contradicts the applicant's allegations of
7 irreparable injury and may deny the motion solely on [that]
8 ground." L.R. 65-231 (b). Since Plaintiff has not adequately
9 explained why he has delayed seeking a TRO, it is denied on this
10 ground. Lastly, Local Rule 65-231 (a) provides "[e]xcept in the
11 most extraordinary of circumstances, no [TRO] shall be granted in
12 the absence of actual notice to the affected party and/or counsel
13 . . ." Here Plaintiff has not explained why he has not provided
14 notice of the TRO he seeks. Therefore, the TRO is also denied on
15 this ground.

16 For the stated reasons, Plaintiff's request for a TRO is
17 denied.

18 Dated: August 10, 2009

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21 _____
GARLAND E. BURRELL, JR.
United States District Judge