

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

ANNETTE HORNSBY,

No. 2:10-cv-01304-MCE-KJN

Plaintiff,

v.

MEMORANDUM AND ORDER

WORLD SAVINGS BANK, F.S.B.;  
WACHOVIA BANK; FEDERAL SAVINGS  
BANK, F.S.B.,

Defendants.

-----oo0oo-----

This action arises out of a mortgage loan transaction in which Plaintiff Annette Hornsby executed two Promissory Notes in connection with properties owned in Vallejo, California. Plaintiff's First Amended Complaint requests, *inter alia*, that the Court issue emergency temporary injunctive relief, pursuant to Federal Rule of Civil Procedure 65(b), enjoining Defendants from conducting a foreclosure sale on property located at 324 Moonraker Drive, Vallejo, CA 94590.

///  
///

1 This Court previously denied emergency relief to Plaintiff  
2 due to the procedural and substantive deficiencies of Plaintiff's  
3 request. Plaintiff's renewed request for relief within her First  
4 Amended Complaint replicates many of the same shortcomings,  
5 falling woefully short of the mandates of both local and Federal  
6 Rules.

7 Procedurally, Local Rule 231(c) requires that a party  
8 seeking an emergency relief file: 1) a complaint, 2) a Motion for  
9 Temporary Restraining Order, 3) a brief on all relevant legal  
10 issues presented by the motion; 4) an affidavit in support of the  
11 existence of an irreparable injury; 5) an affidavit detailing the  
12 notice or efforts to effect notice to the affected parties or  
13 showing of good cause why notice should not be given; 6) a  
14 proposed temporary restraining order ("TRO") with a provision for  
15 bond; 7) a proposed order with blanks for fixing the time and  
16 date for hearing; and 8) a proposed order that shall further  
17 notify the affected party of the right to apply to the Court for  
18 modification.

19 Again, Plaintiff has failed to provide any of these  
20 documents save for the Complaint. Again, Plaintiff has failed to  
21 provide a completed TRO checklist.

22 Substantively, Plaintiff has indicated conflicting  
23 foreclosure dates of June 1, 2010 and January 26, 2010. Aside  
24 from lacking clarity, to the extent that either one of these  
25 dates is accurate, Plaintiff's request is moot. The Court cannot  
26 enjoin something that has already occurred.

27 ///

28 ///

1           Accordingly, Plaintiff's request for emergency temporary  
2 injunctive relief as indicated in her First Amended Complaint  
3 (Docket No. 5) is DENIED.

4           IT IS SO ORDERED.

5 Dated: July 9, 2010



6  
7  
8 MORRISON C. ENGLAND, JR.  
9 UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28