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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TONI MARSHBANKS and DOROTHE  
MARSHBANKS,

Plaintiffs,

v.

CITY OF STOCKTON and SAN  
JOAQUIN COUNTY,

Defendants.

No. 2:13-cv-02400-MCE-KJN-PS

**ORDER**

Plaintiffs Toni and Dorothe Marshbanks (“Plaintiffs”) ask that the Court issue a temporary restraining order (“TRO”) against Defendants City of Stockton and San Joaquin County (“Defendants”) to prevent San Joaquin County from auctioning property at 417 South Broadway Avenue and to prevent the City of Stockton from allowing anyone access to the property.

Plaintiffs’ Motion for TRO was filed on November 21, 2013. ECF No. 4. The Local Rules of the Eastern District of California require that the party seeking a TRO file the following documents:

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- 1) a complaint; 2) a motion for a temporary restraining order;
- 3) a brief on all relevant legal issues presented by the motion;
- 4) an affidavit in support of the existence of irreparable injury;
- 5) an affidavit detailing the notice or efforts to effect notice to the affected parties or counsel or showing good cause why notice should not be given;
- 6) a proposed temporary restraining order with a provision for bond; [and] 7) a proposed order with blanks for fixing the time and date for hearing a motion for preliminary injunction, the date for the filing of responsive papers and amount of the bond, if any, and the date and hour of issuance . . . .

E.D. Cal. Local R. 231(c). Under the local rules, “[n]o hearing on a temporary restraining order will normally be set unless the[se] documents are provided to the Court and, unless impossible under the circumstances, to the affected parties or their counsel.” Id.

Here, Plaintiffs have filed only a complaint and a motion for a temporary restraining order. Additionally, there is no indication that Defendants have been served with the relevant documents, or have notice of this lawsuit at all. Plaintiffs have therefore failed to comply with the local rules. As such, Plaintiffs’ Motion for TRO is DENIED.

IT IS SO ORDERED.

Dated: November 26, 2013

  
MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT