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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ERIC and HARRIET STRICKLEN  
Plaintiffs,  
v.  
BAYVIEW SERVICING, et al.,  
Defendants.

No. 2:17-cv-1446-GEB-EFB

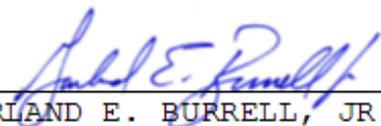
**ORDER**

Pro se Plaintiff filed a motion for a temporary restraining order ("TRO") on July 12, 2017, seeking to have Defendants enjoined from selling, foreclosing on, "or in anyway [sic] taking control of" Plaintiff's real property in Fairfield, California ("the Property"). Mot. for TRO 1:23-2:2, ECF No. 2. Plaintiff makes a conclusory argument that the issuance of a TRO is justified "on the grounds set forth in the accompanying Complaint." Id. at 2:5-6. Plaintiff alleges in the Complaint that Defendants have failed to satisfy procedural requirements applicable to the foreclosure proceeding at issue, and Plaintiff indicates that Defendants intend to sell the Property on August 2, 2017. Compl. 3:5-28, 4:11-13, ECF No. 1. Plaintiff also alleges in the Complaint that the sale will "cause great and irreparable injury" because the Property "will be sold without warning". Id. at 4:2.

Plaintiff has not shown entitlement to consideration of

1 the sought after injunctive relief since Plaintiff has not shown  
2 that Defendants have been notified about the request. Federal  
3 Rule of Civil Procedure 65(b)(1) prescribes that a TRO may issue  
4 "without . . . notice to the adverse party or its attorney only  
5 if" the movant avers "specific facts . . . clearly show[ing] that  
6 immediate and irreparable injury . . . will result to the movant  
7 before the adverse party can be heard in opposition" and  
8 "certifies in writing any efforts made to give notice and the  
9 reasons why it should not be required." Fed. R. Civ. P. 65(b)(1)  
10 (emphasis added). Plaintiff's motion does not contain the  
11 referenced averments. Further, Plaintiff has not averred  
12 "specific facts . . . clearly show[ing]" that Plaintiff will  
13 suffer "immediate and irreparable injury . . . before  
14 [Defendants] can be heard in opposition [to the sought TRO]."  
15 Fed. R. Civ. P. 65(b)(1)(A). Therefore, Plaintiff's motion for  
16 a TRO is denied.

17 Dated: July 13, 2017

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22 GARIAND E. BURRELL, JR.  
23 Senior United States District Judge  
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