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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 Plaintiffs seek to enjoin a trustee sale of their property scheduled for August 2, 2017. Plaintiffs filed what they characterize as an amended motion for a temporary restraining order ("TRO") on July 19, 2017. A previous request for a TRO was denied since it did not "show[] that Defendants ha[d] been notified about the request" as required by Federal Rule of Civil Procedure 65. Order 2:1-16, ECF No. 6. Plaintiffs' present request for a TRO also fails to prove that Defendants received the required notice that a TRO is sought.

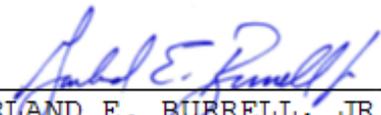
"A temporary restraining order is a provisional remedy intended to 'preserv[e] the status quo and prevent[] irreparable harm just so long as is necessary to hold a [preliminary injunction] hearing, and no longer.'" Woo v. Flagstar Bank, FSB, No. 2:13-cv-00697-GEB-DAD, 2013 WL 1500450, at *1 (E.D. Cal. Apr. 10, 2013) (second and third alterations in original) (quoting Granny Goose Foods, Inc. v. Bhd. of Teamsters, 415 U.S. 423, 439

1 (1974)). "As such, an applicant for a TRO is required to
2 demonstrate 'immediate and irreparable injury, loss or damage'"
3 prior to a duly noticed preliminary injunction hearing. Garrett
4 v. City of Escondido, 465 F. Supp. 2d 1043, 1049 (S.D. Cal. 2006)
5 (quoting Fed. R. Civ. P. 65(b)). Since Plaintiffs have not shown
6 that a TRO is necessary before they can have a duly noticed
7 hearing on a preliminary injunction scheduled, Plaintiffs' motion
8 for a TRO, ECF No. 7, is DENIED.

9 Furthermore, the motion Plaintiffs characterize as an
10 Amended Motion for Preliminary and Permanent Injunctions, ECF
11 No. 8, is referred to the assigned magistrate judge under Local
12 Rule 302(c)(21).

13 IT IS SO ORDERED.

14 Dated: July 20, 2017

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18 GARIAND E. BURRELL, JR.
19 Senior United States District Judge
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