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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAMALJIT K. GOSAL,
Plaintiff,
v.
WELLS FARGO BANK, N.A.,
Defendant.

No. 2:18-cv-00908 JAM AC (PS)

ORDER

Plaintiff is proceeding in this action pro se. This matter is before the court on plaintiff's motion for a temporary restraining order (ECF No. 9) and plaintiff's motion to expedite the motion for a temporary restraining order (ECF No. 10). Both of these motions are DENIED.

Plaintiff moves for an expedited temporary restraining order to be issued on April 23, 2018 to prevent the trustee's sale of her property, which is scheduled to take place on April 24, 2018. ECF No. 9 at 3 and ECF No. 10. Plaintiff's motions are denied because plaintiff has not shown compliance Local Rule 231(b), which allows the court to consider whether the moving party could have sought relief by motion for preliminary injunction at an earlier date without the necessity for seeking last-minute relief by motion for temporary restraining order. The court finds plaintiff unjustifiably delayed seeking relief. Defendant removed this case on April 13, 2018. ECF No. 1. Although documents within the removal papers indicate a motion for a

1 temporary restraining order was filed with the state court, no such motion was filed in federal
2 court until April 23, 2018, one day in advance of the scheduled foreclosure sale. ECF Nos. 9 and
3 10. Plaintiff makes no statement as to why she did not file her motion for a temporary restraining
4 order contemporaneously with the removal of the complaint. Local Rule 230, which sets the
5 requirements for bringing motions before this court, makes no exception for removed cases.

6 Additionally, a temporary restraining order is not appropriate because plaintiff has not
7 provided all the necessary documents required under Local Rule 231(c), such as an affidavit in
8 support of the existence of an irreparable injury and a provision for a bond within the proposed
9 temporary restraining order. ECF No. 9. To the extent plaintiff intends to seek a preliminary
10 injunction, such a motion must be filed in accordance with Local Rule 231(d) and Federal Rule of
11 Civil Procedure 65(a) and must be noticed for an available calendar date.

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13 DATED: April 23, 2018

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16 JOHN A. MENDEZ,
17 UNITED STATES DISTRICT JUDGE
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