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5   IN THE UNITED STATES DISTRICT COURT

6   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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8   SERGIO IVAN GUTIERREZ,   No. C 08-5586 SI

9   Plaintiff,   **ORDER DENYING PLAINTIFF'S
                                                     MOTIONS FOR A TEMPORARY
10   v.   RESTRAINING ORDER**

11   WELLS FARGO BANK, *et al.*,

12   Defendants.
                                                  /
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14   On February 9, 2009, the Court issued an order dismissing plaintiff's complaint with leave to

15   amend and denying plaintiff's motion for a temporary restraining order ("TRO"). Since then, plaintiff

16   has filed two additional requests for a TRO. Docket Nos. 20, 23. For the following reasons, plaintiff's

17   motions for a TRO are DENIED.

18   The Court denied plaintiff's initial motion for a TRO because the Court found that plaintiff is

19   unlikely to succeed on the merits of his case. *See* Order Granting Defs.' Mot. to Dismiss at 10. Thus,

20   the Court construes plaintiff's subsequent requests for a TRO as a motion for reconsideration of its

21   previous ruling.

22   Plaintiff's motion is improper because he failed to seek leave of the Court before filing a motion

23   for reconsideration, but in any event, plaintiff's motion for reconsideration would have been denied.

24   *See* Civil Local Rule 7-9(a) ("No party may notice a motion for reconsideration without first obtaining

25   leave of Court to file the motion."). To succeed on a motion for rehearing, plaintiff would have to

26   demonstrate either: (1) a material difference in fact or law from that which was presented to the Court;

27   (2) the emergence of new material facts or a change in law; or (3) a manifest failure by the Court to

28   consider material facts or dispositive legal arguments. Civil Local Rule 7-9(b). Plaintiff has not

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1   demonstrated any of these in any of his subsequent filings.

2   For all of the foregoing reasons, the Court hereby DENIES plaintiff's motions for a TRO.

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4   **IT IS SO ORDERED.**

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6   Dated: February 20, 2009

                          SUSAN ILLSTON

7   United States District Judge

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