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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARRELL MCDONALD, et al.,

No. C-09-1365 MMC

Plaintiffs,

**ORDER DENYING PLAINTIFFS'
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

v.

RESIDENTIAL MORTGAGE CAPITAL, et
al.,

Defendants.

Before the Court is plaintiffs' Application for Temporary Restraining Order, filed April 30, 2009, by which plaintiffs request an injunction prohibiting the sale of their home, which sale has been scheduled for May 19, 2009. Having read and considered the application and the papers filed in support thereof, the Court finds the application premature at this time. In particular, as plaintiffs note, the Court has scheduled a hearing for May 14, 2009 on plaintiffs' motion for a preliminary injunction, filed April 16, 2009. Although plaintiffs assert counsel for defendant Federal Deposit Insurance Corporation ("FDIC") "has advised [p]laintiffs that she will move the Court for a stay of all proceedings . . . that will remove the hearing on the preliminary injunction from the calendar" (see App. at 2:21-24), no such motion to stay has been filed to date. If and when any motion to stay is filed, the Court will take whatever action is appropriate thereon.

Accordingly, plaintiffs' application is hereby DENIED.

IT IS SO ORDERED.

Dated: May 1, 2009


MAXINE M. CHESNEY
United States District Judge