

United States District Court
For the Northern District of California

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

LESLIE PATRICE BARNES MARKS,

Plaintiff,

v.

GREEN TREE SERVICING, DEFAULT
RESOLUTIONS NETWORK, et al.

Defendants.

No. C 10-03593 SI

**ORDER DENYING PLAINTIFF'S
APPLICATION FOR A TEMPORARY
RESTRAINING ORDER, ORDER TO
SHOW CAUSE, AND PRELIMINARY
INJUNCTION**

On August 16, 2010, plaintiff filed the instant application for a temporary restraining order ("TRO"), order to show cause, and preliminary injunction. Plaintiff seeks to prevent defendants from proceeding with the non-judicial foreclosure of her house. Because plaintiff fails to establish a likelihood of success on the merits, the Court DENIES her application.

A temporary restraining order ("TRO") may be issued only if "immediate and irreparable injury, loss, or damage will result to the applicant" if the TRO does not issue. Fed. R. Civ. P. 65(b). This rule requires the Court to consider the likelihood that the plaintiff will prevail on the merits and the possible harm to the parties from granting or denying the injunctive relief. *See Sierra On-Line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1421 (9th Cir. 1984). The standards for issuing a TRO and a preliminary injunction are similar. *See Los Angeles Unified Sch. Dist. v. United States Dist. Court*, 650 F.2d 1004, 1008 (9th Cir. 1981) (Ferguson, J., dissenting). "A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Natural Resources Defense Council, Inc.*, 129 S. Ct. 365, 374 (2008).

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Plaintiff has alleged five claims in her amended complaint. Each claim is based on the theory that defendants are not authorized to foreclose on her house or otherwise have failed to provide appropriate notice to plaintiff regarding her obligations and the pending foreclosure. Plaintiff has failed to cite law that supports this contention. Accordingly, plaintiff's motion is DENIED. (Document 3.)

IT IS SO ORDERED.

Dated: October 1, 2010



SUSAN ILLSTON
United States District Judge