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

LESLIE PATRICE BARNES MARKS,

No. C 10-03593 SI

Plaintiff,

**ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION  
AND DENYING PLAINTIFF'S MOTION  
FOR AN ORDER SHORTENING TIME**

v.

GREEN TREE SERVICING, et al.

Defendants.

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On October 4, 2010, plaintiff filed a motion for reconsideration of the Court's October 1, 2010 order denying, among other things, her application for a temporary restraining order. Plaintiff also filed a "motion for an order shortening time to hear plaintiff's motion for temporary restraining order and preliminary injunction to void power of sale."

Plaintiff's motion for reconsideration is improper because she failed to seek leave of this Court before filing it, as required by Civil Local Rule 7-9(a). Had plaintiff sought leave of Court, it would have been denied because plaintiff has not established any of the requirements of that rule:

- (1) That at the time of the motion for leave, a material difference in fact or law exists from that which was presented to the Court before entry of the interlocutory order for which reconsideration is sought. The party also must show that in the exercise of reasonable diligence the party applying for reconsideration did not know such fact or law at the time of the interlocutory order; or
- (2) The emergence of new material facts or a change of law occurring after the time of such order; or
- (3) A manifest failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court before such interlocutory order.

*See* Civil Local Rule 7-9(b).

Rather, plaintiff restates many of the arguments that appeared in her previous motion, cites cases that are not relevant to this California non-judicial foreclosure, and asserts without evidence or

1 explanation that her mortgage is paid in full. Accordingly, plaintiff's motion for reconsideration is  
2 DENIED. (Document 67.) Plaintiff's motion for an order shortening time is also DENIED. (Document  
3 73.)

4 **IT IS SO ORDERED.**

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6 Dated: October 5, 2010

  
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SUSAN ILLSTON  
United States District Judge

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