

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

RODOLFO MARTINEZ,

No. C 12-04464 SI

Plaintiff,

**ORDER DENYING PLAINTIFFS'
REQUEST FOR A TEMPORARY
RESTRAINING ORDER AND ORDER
TO SHOW CAUSE**

v.

WELLS FARGO BANK, N.A.; CAL-
WESTERN RECONVEYANCE CORP, a
California Corporation; and DOES 1 through 20
Inclusive,

Defendants.

On September 17, 2012, plaintiff filed an *ex parte* application for a temporary restraining order and order to show cause regarding a preliminary injunction, seeking to enjoin defendants from conducting the trustee's sale of plaintiff's home scheduled for October 2, 2012. Defendants opposed the motion, and the Court held a hearing on the matter on September 27, 2012.

Plaintiff's motion was premised on defendant's alleged violation of California Civil Code § 2923.5. For reasons discussed with the parties on the record, plaintiff's request for a TRO and OSC was **DENIED**. The Court found that on the record presented by plaintiff, plaintiff has failed to establish that he is likely to succeed on the merits of his claim under California Civil Code § 2923.5.

IT IS SO ORDERED.

Dated: October 3, 2012



SUSAN ILLSTON
United States District Judge