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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN BROSNAN,

Plaintiff,

v.

MORTGAGE ELECTRONIC
REGISTRATIONS SYSTEMS, INC.,
et al.,

Defendants.

No. C 09-0401 PJH

**ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING ORDER**

Plaintiff John Brosnan filed this action on January 28, 2009, against defendants Mortgage Electronic Registrations Systems, Inc.; American Home Mortgage Servicing, Inc.; American Home Mortgage Servicing, Inc., Default Services, Inc.; American Brokers Conduit; and American Home Mortgage, alleging claims under federal and state law.

Also on January 28, 2009, plaintiff filed an application for a temporary restraining order (“TRO”) seeking to prevent defendant American Home Mortgage, or defendant American Home Mortgage Servicing, Inc., Default Services, Inc., from conducting a foreclosure sale of property located at 3279 Mt. Diablo Court #32, Lafayette, California, 94579. The court finds that the application for the TRO must be DENIED for failure to comply with Federal Rule of Civil Procedure 65 and the Civil Local Rules of this court.

To date, plaintiff has filed no proof of service of the summons and complaint on any defendant. Nor has he filed an affidavit or verified complaint that sets forth “specific facts . . . clearly show[ing] that immediate and irreparable injury, loss, or damage will result to the

1 movant before the adverse party can be heard in opposition; or a written certification of the
2 “efforts made to give service and the reasons why it should not be required.” Fed. R. Civ.
3 P. 65(b). The application for the TRO is further deficient because it was not accompanied
4 by a proposed order in the form set forth in Civil Local Rule 65-1(c).

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6 **IT IS SO ORDERED.**

7 Dated: March 2, 2009



PHYLLIS J. HAMILTON
United States District Judge

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