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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ESTELL DAVIS,

Plaintiff,

No. C 10-0489 PJH

v.

**ORDER DENYING APPLICATION
FOR TEMPORARY RESTRAINING
ORDER**

WELLS FARGO BANK, N.A.,
et al.,

Defendants.

_____ /
Pending before the court is a motion for temporary restraining order and order to show cause re preliminary injunction filed by plaintiff Estell Davis, seeking to halt the foreclosure sale of her residence.

Previously, on February 5, 2010, the court denied plaintiff's motion for temporary restraining order, on the ground that she had provided neither proof of service of the summons and complaint on defendants in accordance with the Federal Rules of Civil Procedure, nor a declaration pursuant to Rule 65(b) showing why she should be excused from serving the defendants.

On February 8, 2010, plaintiff filed the present motion, but did not notice it for hearing. On February 15, 2010, plaintiff filed a notice of hearing, setting the hearing for February 17, 2010. However, the court advised plaintiff that no hearing would be held unless plaintiff filed a proof of service of the summons, complaint, and motion papers on

United States District Court
For the Northern District of California

1 defendants, or filed an adequate Rule 65(b) declaration.

2 To date, plaintiff has filed neither a proof of service nor an adequate Rule 65(b)
3 declaration. Accordingly, the motion for temporary restraining order is DENIED. Once
4 plaintiff has filed the proof of service or Rule 65(b) declaration, and has noticed the motion
5 for preliminary injunction for hearing, the court will set the hearing date on its calendar.

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7 **IT IS SO ORDERED.**

8 Dated: February 19, 2010



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11 PHYLLIS J. HAMILTON
12 United States District Judge

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