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E-Filed 11/30/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ESMERALDA DIAZ,
Plaintiff,

v.

WORLD SAVINGS & LOAN; NDEX WEST,
LLC,

Defendants.

Case Number 5:10-04909 JF (PVT)
ORDER¹ DENYING MOTION FOR
PRELIMINARY INJUNCTION
[Re: Docket No. 2]

Plaintiff seeks a preliminary injunction to prevent Defendants from foreclosing upon and selling her real property located at 2460 Shilshone Circle San Jose, California 95121. Plaintiff filed the instant motion and an *ex parte* application for a temporary restraining order on October 29, 2010. The application for a temporary restraining order was denied on November 3, 2010.

The property in question was sold at a trustee's sale on November 5, 2010, and the trustee's deed was recorded on November 15, 2010. Accordingly, Plaintiff's motion appears to be moot. Plaintiff has not replied to Defendants' opposition brief and has not otherwise disputed that the foreclosure has occurred.

¹ This disposition is not designated for publication in the official reports.

ORDER

Under the circumstances, the Court finds that the instant motion is suitable for determination without oral argument pursuant to Civil L. R. 7-1(b). Good cause therefor appearing, IT IS HEREBY ORDERED that the motion for preliminary injunction is DENIED as moot.

DATED: November 30, 2010



JEREMY FOGEL
United States District Judge

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A copy of this order has been sent to:

Esmeralda Diaz
2460 Shilshone Circle
San Jose, CA 95121