

United States District Court  
Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TODD SHARP, et al.,  
Plaintiffs,  
v.  
NATIONSTAR MORTGAGE LLC, et al.,  
Defendants.

Case No.: 14-cCV00831-LHK  
**ORDER DENYING EX PARTE  
APPLICATION FOR A TEMPORARY  
STAY**

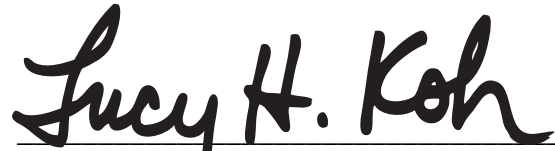
On January 22, 2015, Plaintiffs filed an ex parte application for a temporary stay (“Application”) while the Court considers Plaintiffs’ to-be-filed motion for stay pending appeal to the Ninth Circuit of the Court’s order granting Defendants’ motion to dismiss (ECF No. 37). ECF No. 43. Defendants opposed the motion on January 23, 2015, ECF No. 44, and Plaintiffs replied that same day, ECF No. 45.

The Court hereby DENIES Plaintiffs’ Application. On January 15, 2015, one week after the Court entered judgment in favor of Defendants, ECF No. 38, the Monterey County Superior Court reissued a writ of possession to defendant Nationstar for the property located at 25011 Hidden Mesa Court, Monterey, California 93940. ECF No. 43-1 Ex. A. The Rooker-Feldman

1 doctrine bars this Court from staying that state court writ of possession. See, e.g., Dang v.  
2 Oakland Police Dep't, No. C 13-4155 PJH, 2014 WL 793613, at \*7 (N.D. Cal. Feb. 26, 2014)  
3 (“[A]ny challenge to the writ of possession issued by the Alameda County Superior Court  
4 following the judgment in the unlawful detainer action is barred by the Rooker-Feldman  
5 doctrine.”). “Under that doctrine, federal courts lack jurisdiction to review the propriety of state  
6 court rulings, including the issuance of a judgment and writ of possession in connection with a  
7 state court unlawful detainer proceeding.” Id. Accordingly, the Court denies Plaintiffs’  
8 Application. See Duenas v. Freitas, No. C 13-0836 SBA, 2013 WL 3298249, at \*4 (N.D. Cal.  
9 June 28, 2013) (holding that the Rooker-Feldman doctrine barred a federal court challenge to the  
10 writ of possession issued in a state court unlawful detainer action). Any relief Plaintiffs may  
11 desire from the writ of possession must be sought in the California state courts.

12 **IT IS SO ORDERED.**

13  
14 Dated: January 26, 2015



LUCY H. KOH  
United States District Judge

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28