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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DAVID CARAVANTES, an individual,

Plaintiff,

vs.

CALIFORNIA RECONVEYANCE
COMPANY, a California corporation;
WASHINGTON MUTUAL BANK, F.A., a
Federal Savings Bank organized and existing
under the laws of the United States;
JPMORGAN CHASE BANK, N.A., a
National Banking Association organized and
existng under the laws of the United States;
CHASE HOME FINANCE LLC, a Delaware
Limited Liability Company; VREJ
JOUKADARIAN, an individual; CLEMENT
J. DURKIN, an individual; DEBORAH
BRIGNAC, an individual; ANN THORN, an
indiudal; and DOES 1-20, inclusive,

Defendants.

CASE NO. 10-CV-1407 - IEG (AJB)


ORDER DENYING AS MOOT
PLAINTIFF’S EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION

Currently before the Court is Plaintiff’s Ex Parte Application for Temporary Restraining Order and Order to Show Cause re Preliminary Injunction (“TRO Motion”), filed on July 6, 2010 at 12:53 p.m., seeking this Court’s order enjoining Defendants from proceeding with the Trustee’s Sale of Plaintiff’s property. According to Plaintiff, the Trustee Sale was scheduled for July 6, 2010 at 10:00 a.m. (TRO Motion, Ex. 9.)

1 Rule 65(b)(1) of Federal Rules of Civil Procedure provides that a temporary restraining order
2 may be issued without written or oral notice to the adverse party or its counsel only if there is a clear
3 showing of an “immediate and irreparable injury, loss, or damage.” In the present case, seeing as the
4 scheduled time for the Trustee’s Sale had already passed by the time Plaintiff filed his TRO Motion,
5 there is clearly no *immediate* injury or damage that can be prevented by issuance of a Temporary
6 Restraining Order. Accordingly, Plaintiff’s TRO Motion is **DENIED AS MOOT**.

7 **IT IS SO ORDERED.**

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9 DATED: July 6, 2010

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11 IRMA E. GONZALEZ, Chief Judge
12 United States District Court
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