

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
SOUTHERN DISTRICT OF CALIFORNIA**

JACOBO LEVY,	
	Plaintiff,
v.	
GMAC WHOLESALE MORTGAGE CORP.,	
	Defendant.

Case No. 10cv1701 BTM(CAB)
**ORDER DENYING REQUEST FOR
TEMPORARY RESTRAINING
ORDER**

Plaintiff has filed an application for a temporary restraining order. Plaintiff asks the Court to enjoin the foreclosure sale of his home. According to Plaintiff, the sale is scheduled to take place on August 26 or 28, 2010.

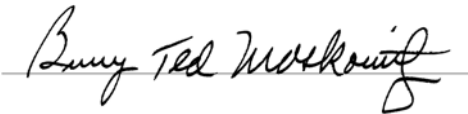
Injunctive relief is an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief. Winter v. Natural Res. Def. Council, Inc., ___ U.S. ___, 129 S. Ct. 365, 375-76 (2008). A plaintiff seeking preliminary injunctive relief “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” Id.

Plaintiff has not established that he is likely to succeed on the merits. In his application, Plaintiff alleges that (1) “Defendant has no agency to represent the real party in interest”; (2) “the alleged real party in interest is unable to prove standing [to] foreclose

1 against the property; and (3) "the lender committed numerous acts . . . that have the effect
2 of rendering the contract, through which defendant claims authority, void and unenforceable."
3 However, Plaintiff does not provide any facts or evidence in support of his claims. The
4 Complaint (titled "Original Petition") itself is a rambling document that appears to be based
5 on some other form pleading(s) and does not set forth specific facts regarding Plaintiff's loan
6 or GMAC Wholesale Mortgage Corp.'s actions.

7 The Court cannot issue a temporary restraining order based on bare allegations of
8 wrongdoing. Therefore, Plaintiff's application for a temporary restraining order is **DENIED**.
9 **IT IS SO ORDERED.**

10 DATED: August 19, 2010

11 
12 _____
13 Honorable Barry Ted Moskowitz
14 United States District Judge

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