

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 10-cv-03016-REB-MJW

MARLA D. SNEED,

Plaintiff,

v.

PNC BANK, NATIONAL ASSOCIATION, et al

Defendants.

ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER

Blackburn, J.

This matter is before me on the plaintiff's filing [#3]¹ filed December 14, 2010. The plaintiff requests relief in the nature of a temporary restraining order; thus, I read the plaintiff's filing [#3] as a motion for a temporary restraining order. I deny the plaintiff's motion.

Because the plaintiff is proceeding pro se, I have construed her motion and the related filings more liberally and held them to a less stringent standard than formal pleadings drafted by lawyers. **See *Erickson v. Pardus***, 551 U.S. 89, 94 (2007); ***Andrews v. Heaton***, 483 F.3d 1070, 1076 (10th Cir. 2007); ***Hall v. Bellmon***, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing ***Haines v. Kerner***, 404 U.S. 519, 520-21 (1972)).

The plaintiff seeks an order restraining a foreclosure sale scheduled to occur at some unspecified time on December 29, 2010. In her complaint [#1] the plaintiff alleges that the defendants improperly are foreclosing on her house. In a previous order [#21], I

¹ “[#3]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.


denied a similar request [#6] filed by the plaintiff. On the same basis, I deny the plaintiff's motion docketed as [#3].

A temporary restraining order is extraordinary relief. A party seeking a temporary restraining order must show: (1) a substantial likelihood that the movant will prevail eventually on the merits; (2) that the movant will suffer imminent and irreparable injury unless the injunction issues; (3) that the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; (4) that the injunction, if issued, would not be adverse to the public interest. *Lundgrin v. Claytor*, 619 F.2d 61, 63 (10th Cir. 1980); *Heideman v. S. Salt Lake City*, 348 F.3d 1182, 1189 (10th Cir. 2003) (irreparable injury must be imminent). In addition to the foregoing factors, a party seeking a temporary restraining order also must demonstrate clearly, with specific factual allegations, that immediate and irreparable injury will result absent a temporary restraining order. FED. R. CIV. P. 65(b).

Even with the benefit of the munificent perspective afforded to *pro se* parties, I find and conclude that the plaintiff has not demonstrated with specific factual allegations (1) that she enjoys a substantial likelihood that she will prevail eventually on the merits; (2) that she will suffer imminent and irreparable injury unless the temporary restraining order issues; and (3) that the temporary restraining order, if issued, would not be adverse to the public interest.

THEREFORE, IT IS ORDERED that the plaintiff's motion for temporary restraining order [#3] is **DENIED**.

Dated March 14, 2011, at Denver, Colorado.

BY THE COURT:

Robert E. Blackburn
United States District Judge