

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FRANK FAILLA, JR. , *pro se*,

Plaintiff,

v.

Case No. 8:10-cv-2312-T-30TBM

**U.S. BANK NATIONAL ASSOC., as Trustee
on behalf of The Holders of Asset-backed
Certificates TMTS Series 2006-7 of Terwin
Mortgage Trust Series 2006-7,**

Defendant.

ORDER

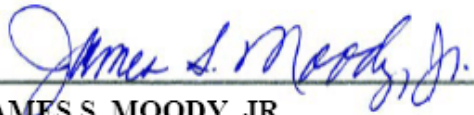
THIS CAUSE comes before the Court upon the *pro se* Plaintiff's Emergency Petition for a Temporary Restraining Order and Writ of Mandamus (Dkt. 1). Plaintiff asks the Court to issue a temporary restraining order to stop the execution of the Florida state court order for the sale of certain real property and for a writ of mandamus in a Florida state court mortgage foreclosure case. Upon consideration, the Court concludes that the motion should be denied. The proper remedy for Plaintiff's request is to appeal the Florida court's order to the appropriate Florida appellate court.

It is therefore ORDERED AND ADJUDGED that:

1. Plaintiff's Emergency Petition for a Temporary Restraining Order and Writ of Mandamus (Dkt. 1) is **DENIED**.

2. The Clerk is directed to close this case.

DONE and **ORDERED** in Tampa, Florida on October 15, 2010.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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