

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUN Y. WANG,

Plaintiff,

vs.

COUNTRYWIDE BANK, N.A. et al.,

Defendants.

2:12-cv-01161-RCJ-CWH

ORDER

Plaintiff Jun Wang has sued Defendants in pro se in this Court based upon the foreclosure of her mortgage. The Complaint lists seven causes of action: (1) fraud; (2) Real Estate Settlement Procedures Act ("RESPA"); (3) "fraudulent foreclosure"; (4) Fair Debt Collection Practices Act ("FDCPA"); (5) Truth in Lending Act ("TILA"); (6) "fraudulent assignment"; and (7) "notary fraud." Pending before the Court is a motion for a preliminary injunction. For the reasons given herein, the Court denies the motion.

First, no Defendant has appeared because Plaintiff has not properly served any Defendant. Plaintiff has filed into the record certificates of service that appear deficient on their faces in several respects. Plaintiff has filed into the record copies of return receipts for pieces of mail received by Defendants Mortgage Electronic Registration Systems, Inc. ("MERS") and Countrywide Bank, N.A. ("Countrywide"). Plaintiff apparently mailed a copy of the summons but not the complaint (only the summons is attached to the certificate of service), to these entities at the same address in Simi Valley, California. Plaintiff's affidavits of service are undated and

1 are signed by her. The method of service is not indicated on the affidavits. Nor is there any
2 indication that Plaintiff complied with California Code of Civil Procedure section 415.30,
3 governing service by mail, which requires copies of the summons and the complaint, as well as a
4 form for a defendant to acknowledge receipt. *See* Cal. Code Civ. P. § 415.30. Nor is there any
5 evidence that the present motion was served upon any Defendant.

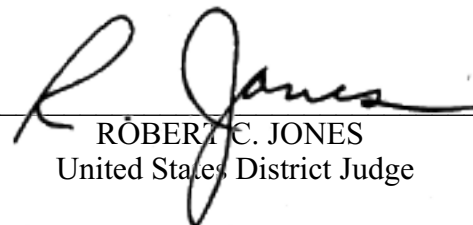
6 Second, even if Defendants had been served, Plaintiff does not provide enough evidence
7 for the Court to conclude that she is likely to succeed on the merits. There is no evidence
8 adduced of any foreclosure proceedings such as a notice of default or the like.

9 **CONCLUSION**

10 IT IS HEREBY ORDERED that the Motion for Preliminary Injunction (ECF No. 2) is
11 DENIED.

12 IT IS SO ORDERED.

13 Dated this 2nd day of October, 2012.

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16 ROBERT C. JONES
United States District Judge
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