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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

2:12-CV-2203 JCM (PAL)

RICHARD BLANCHARD,

Plaintiff(s),

v.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, et al.,

Defendant(s).

ORDER

Presently before the court is pro se plaintiff’s, Dr. Richard Blanford, emergency motion for declaratory relief, judicial review, and for an order to rescind a trustee sale. (Doc. # 13). Defendant Quality Loan Service Corporation has filed a response in opposition. (Doc. # 16).

Defendant Quality Loan Service Corporation has also filed a motion to dismiss in this case that became ripe on February 1, 2013. (Docs. ## 4 & 11). Plaintiff filed the instant emergency motion on February 5, 2013. (Doc. # 13).

The instant “emergency” motion seeks to rescind or nullify a trustee sale that already occurred on January 16, 2013. (Doc. # 13). Local rule 7-5 provides the local standards and requirements for emergency motions. The rule states that “[i]t shall be within the sole discretion of the Court to determine whether any such matter is, in fact, an emergency.” LR 7-5(d)(3).


Upon reviewing the motions and the pending motion to dismiss the court determines that the instant motion is not an emergency. First, the trustee sale has already occurred. Second, all of the

1 claims and arguments in the instant “emergency” motion are raised in plaintiff’s response to the
2 pending motion to dismiss that has just been ripe for five days. Third, it appears that plaintiff’s
3 entire lawsuit could be barred by res judicata and claim preclusion issues raised in defendants’
4 motion to dismiss. This plaintiff has already had an action dismissed with prejudice by this court
5 concerning the same piece of property. *See Blanchard v. JP Morgan Chase Bank et al*, 2:11-cv-
6 01129-JCM-PAL, (D. Nev. Oct. 18, 2012) (Doc. # 74, order granting motion to dismiss).¹ The
7 motion is denied.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff’s emergency
10 motion (doc. # 13) be, and the same hereby, is DENIED.

11 DATED February 6, 2013.

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14 **UNITED STATES DISTRICT JUDGE**

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¹ To the extent that pro se plaintiff is requesting injunctive relief, he cannot establish any of the four required factors from *Winter v. NRDC., Inc.*, 555 US 7 (2008).