

IN UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

BRUCE A. HANCOCK, JR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-14-1380-D
)	
OCWEN LOAN SERVICING, LLC,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the Court is Plaintiff’s Motion for Temporary Restraining Order [Doc. No. 4]. Plaintiff, who appears *pro se*, seeks to obtain a temporary restraining order against Defendant Ocwen Loan Servicing, LLC (“Ocwen”), without notice, to prevent further proceedings in a pending foreclosure action. Although not stated in the Motion, Plaintiff alleges in his Complaint that Ocwen commenced a foreclosure action regarding his residence in Oklahoma County, Oklahoma, on November 10, 2014.

Plaintiff’s Motion fails to comply with Fed. R. Civ. P. 65 (b)(1), which provides:

The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if:

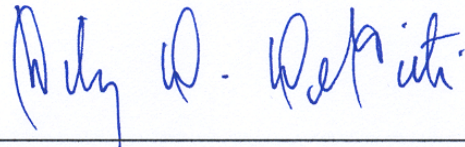
(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and

(B) the movant’s attorney certifies in writing any efforts made to give the notice and the reasons why it should not be required.

Fed. R. Civ. P. 65(b)(1) (emphasis added). Plaintiff has not satisfied either requirement of Rule 65(b)(1) for issuing a temporary restraining order without notice.¹

IT IS THEREFORE ORDERED that Plaintiff's Motion is DENIED, without prejudice to a future motion.

IT IS SO ORDERED this 19th day of December, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

¹ District courts have applied Rule 65(b)(1)(B) to *pro se* parties. See, e.g., *May v. U.S. Bank*, No. 13-cv-01621-PAB, 2013 WL 3200473 (D. Colo. June 24, 2013); *Bazil v. Deutsche Bank Nat'l Trust Co.*, 2012 WL 603177 (E.D. Cal. Feb 23, 2012) *Science Sys. & Applications, Inc. v. United States*, No. PWG-14-2212, 2014 WL 3672908, *3 (D. Md. July 22, 2014).