

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARTA D LYALL,

Plaintiff,

v.

U. S. BANK NATIONAL
ASSOCIATION, et al.,

Defendants.

CASE NO. C17-472 RAJ

ORDER

This matter comes before the Court on Plaintiff's Motion for Temporary Restraining Order ("TRO"). Dkt. # 28. Defendants Rushmore Loan Management Services, LLC and U.S. Bank National Association as Legal Title Trustee for Truman 2013 SC3 Title Trust ("Defendants") oppose the motion. Dkt. # 32.

Plaintiff initiated this matter on March 23, 2017 with an unsuccessful TRO seeking to enjoin Defendants from foreclosing on her Shoreline property.¹ Dkt. ## 2, 9. On May 2, 2017, Defendants moved to dismiss Plaintiff's claims under Rule 12(b)(6).

¹ Plaintiff has not alleged facts showing that the Court has jurisdiction over the Memphis property. Dkt. # 9. For this reason, this Order and any future orders from this Court will only refer to Plaintiff's Shoreline property.

1 Dkt. # 15. Plaintiff failed to respond to the Motion, and the Court subsequently granted
2 the Motion. Dkt. # 21. Plaintiff immediately appealed the Court's decision. Dkt. ## 22,
3 23. At the same time, Plaintiff moved the Court to vacate its Order. Dkt. # 25. Plaintiff
4 now seeks to enjoin Defendants from foreclosing on her property pending the Ninth
5 Circuit's decision. Dkt. # 28.

6 To obtain preliminary injunctive relief, Plaintiff must "establish that [she] is likely
7 to succeed on the merits, that [she] is likely to suffer irreparable harm in the absence of
8 preliminary relief, that the balance of equities tips in [her] favor, and that an injunction is
9 in the public interest." *Winter v. Natural Resources Defense Council, Inc.*, 129 S.Ct. 365,
10 374 (2008). The standard for a temporary restraining order is substantially the same.
11 *ProtectMarriage.com - Yes on 8 v. Courage Campaign*, 680 F. Supp. 2d 1225, 1228
12 (E.D. Cal. 2010) (citing *Winter*); *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240
13 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and temporary
14 restraining order standards are "substantially identical").

15 Plaintiff's motion for leave to amend her complaint is not ripe. Dkt. # 19.
16 Accordingly, this TRO must proceed on the facts of her original Complaint. The Court
17 already found that Plaintiff failed to meet her burden to show success on the merits based
18 on this Complaint. Dkt. # 9.

19 Plaintiff's Motion is **DENIED**. Dkt. # 28.

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21 Dated this 9th day of June, 2017.

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25 The Honorable Richard A. Jones
26 United States District Judge
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