HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARTA D LYALL,

Plaintiff,

v.

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

Defendants.

CASE NO. C17-472 RAJ

ORDER

This matter comes before the Court on Plaintiff's Motion for Emergency Ex Parte Temporary Injunction to Enjoin (Stop) Foreclosure Sale of Two Properties (Same trustee) on 3/24/2017. Dkt. # 2.

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

F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and temporary restraining order standards are "substantially identical").

Plaintiff has not met her burden to show that she is likely to succeed on the merits of her claims. In her Complaint, Plaintiff alleges plain conclusions and disjointed facts that fail to link the financial Defendants to improper actions that directly implicate the impending foreclosure sale. The Court cannot find that Plaintiff is likely to succeed on the merits of her claims against the financial Defendants.

This Order only implicates the sale as to the Shoreline, Washington property. Plaintiff has not alleged facts to show that the Court has jurisdiction over the property in Memphis, Tennessee. Therefore, the Court denies the motion as it relates to the Tennessee property on the basis of improper jurisdiction.

Plaintiff's Motion is **DENIED**. Dkt. # 2.

DATED this 23rd day of March, 2017.

The Honorable Richard A. Jones
United States District Judge