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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

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 CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
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7 ALAN SAMSON,
 8 Plaintiff,
 9 v.
 10 U.S. DEPARTMENT OF HOUSING,
 11 et al.,
 12 Defendants.

Civil No. 89-0369-B
 ORDER DENYING PLAINTIFF'S
 APPLICATION FOR A
 TEMPORARY RESTRAINING
 ORDER

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 15 On March 15, 1989, plaintiff filed this action in the United
 16 States District Court for the Southern District of California. His
 17 complaint seeks immediate injunctive relief against the defendants,
 18 who, it is alleged, will conduct a trustee's sale of the
 19 plaintiff's home on March 17, 1989 at 12:30 p.m. in Oceanside,
 20 California.

21 Upon review of the materials submitted by the plaintiff, the
 22 court finds that plaintiff's application for a temporary
 23 restraining order fails to satisfy the requirements of the case law
 24 in this circuit governing the issuance of such injunctive relief.
 25 To obtain preliminary injunctive relief, a party must demonstrate
 26 either (1) a combination of probable success on the merits and the
 27
 28

1 possibility of irreparable injury, or (2) the existence of serious
2 questions on the merits and that the balance of hardships tips
3 sharply in the moving party's favor. See Sardi's Restaurant Corp.
4 v. Sardie, 755 F.2d 719, 723 (9th Cir. 1985); see also Apple
5 Computer, Inc. v. Formula International, Inc., 725 F.2d 521, 523
6 (9th Cir. 1984).

7 Plaintiff has attached a declaration to his complaint which
8 demonstrates that he served the trustee.¹ Furthermore, the
9 trustee's sale of plaintiff's house would be irreparable. However,
10 even when most liberally construed, plaintiff's submissions do not
11 demonstrate either a probability of success (nor a serious
12 question) on the merits. Plaintiff claims broadly that he faces
13 "immediate and irreparable" injury from the sale of his home, but
14 he does not explain at all why the trustee's sale is improper. He
15 asserts absolutely no basis, either in fact or in law, for why this
16 court must or should intervene to prevent the sale. On its face,
17 plaintiff's complaint appears to be patently frivolous.

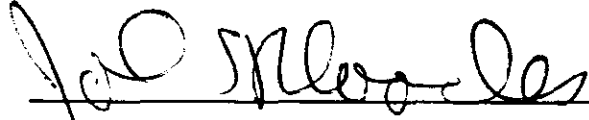
18 The court also finds that no hearing is necessary to determine
19 the outcome of plaintiff's application for immediate injunctive
20 relief. Therefore, IT IS ORDERED that plaintiff's application for
21 a temporary restraining order is denied at this time.

23 ¹Only three of the four defendants have apparently been
24 served. The fourth defendant -- the U.S. Department of Housing and
25 Urban Development -- has not been served. Service of the complaint
26 and summons on behalf of a party authorized to proceed in forma
27 pauperis, such as plaintiff in this case, is accomplished by a
28 United States marshal. See Fed. R. Civ. P. 4(c)(2)(B)(i). As of
the date of this order, such service has not yet been accomplished.

1 Samson v. U.S. Department of Housing, et al., Civil No. 89-0369-B,
2 Order Denying Application for Temporary Restraining Order

3 IT IS SO ORDERED.

4 Dated: 3/15/89

5 
6 UNITED STATES DISTRICT JUDGE

7
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