

OCT 16 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SEAN M. PARK; MICHELLE PARK,

Plaintiff - Appellant,

v.

AURORA LOAN SERVICES; et al.,

Defendants - Appellees.

No. 10-56788

D.C. No. 3:10-cv-01739-H-POR

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Marilyn L. Huff, District Judge, Presiding

Submitted October 9, 2012**

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Sean M. Park and Michelle Park appeal pro se from the district court's order denying their application for a temporary restraining order ("TRO") enjoining the foreclosure sale of their property. We have jurisdiction under 28 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1292(a)(1). *Religious Tech. Ctr., Church of Scientology Int'l, Inc. v. Scott*, 869 F.2d 1306, 1308 (9th Cir. 1989) (order denying a TRO is appealable if it is tantamount to denial of a preliminary injunction). We review for an abuse of discretion. *Id.* at 1309. We dismiss the appeal as moot.

The Parks' appeal of the district court's denial of the TRO is moot because the foreclosure sale of the property has already been completed. *See Vegas Diamond Props., LLC v. FDIC*, 669 F.3d 933, 936 (9th Cir. 2012) (“[T]he sale of the real properties prevents this Court from granting the requested relief and accordingly renders this appeal moot.”).

Appellees' request for judicial notice is granted. The Parks' request for judicial notice is denied as unnecessary because the documents are already part of the district court record.

DISMISSED.