

The document below is hereby signed.

Signed: July 25, 2010.



S. Martin Teel, Jr.
S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
MARTHA A AKERS,)	Case No. 07-00662
)	(Chapter 13)
Debtor.)	
_____)	
)	
MARTHA A AKERS,)	
)	
Plaintiff,)	
)	
v.)	Adversary Proceeding No.
)	10-10006
WINDWARD CAPITAL)	
CORPORATION, et al.,)	
)	Not for Publication in
Defendants.)	West's Bankruptcy Reporter

MEMORANDUM DECISION AND ORDER DENYING
EMERGENCY MOTION FOR PRELIMINARY INJUNCTION

The plaintiff, Martha Akers, has filed an emergency motion for preliminary injunction (Dkt. No. 55) seeking to have the court stay the enforcement by Windward Capital Corporation or its assigns from foreclosing on a deed of trust on property held by Akers. This emergency motion is identical to a previous motion for preliminary injunction Akers filed on June 2, 2010, save for that the emergency motion includes an affidavit signed by Akers

and several exhibits consisting of filings in this court, the deed of trust under which the defendant, presumably, would foreclose, several account statements, and several letters from the defendant and the plaintiff's insurance company. In a memorandum decision and order dated June 29, 2010, I denied the plaintiff's previous motion for preliminary injunction on the basis that Akers had failed to include an affidavit, as required District Court Local Civil Rule 65.1, and because the motion failed to demonstrate a likelihood of prevailing on the merits and irreparable harm.

Although Akers' emergency motion now includes an affidavit, because the emergency motion is identical to the previous motion Akers has still failed to demonstrate a likelihood of prevailing on the merits and irreparable harm. Therefore, for the reasons set forth in the court's June 29, 2010, Memorandum Decision and Order Denying Amended Motion for Preliminary Injunction, it is

ORDERED that the plaintiff's emergency motion for preliminary injunction (Dkt. No. 55) is DENIED.

[Signed and dated above.]

Copies to: All parties and counsel of record.