

DEC 10 2008

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TYRONE MCDUGALD,

Plaintiff - Appellant,

v.

CRAIG FOSTER; et al.,

Defendants - Appellees.

No. 08-17218

D.C. No. 3:06-cv-00623-ECR

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Edward C. Reed, District Judge, Presiding

Submitted December 1, 2008**

Before: GOODWIN, CLIFTON and BEA, Circuit Judges.

Upon review of the record and appellant's opening brief, this court hereby
summarily affirms the district court's order denying appellant's request for

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

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

preliminary injunctive relief. *See United States v. Hooton*, 693 F.2d 857 (9th Cir. 1982) (per curiam) (summary affirmance appropriate where result is clear from face of record).

All pending motions are denied.

AFFIRMED.