

AUG 31 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TONGASS CONSERVATION  
SOCIETY; et al.,

Plaintiffs - Appellants,

v.

FORREST COLE, in his official capacity  
as Forest Supervisor, Tongass National  
Forest; et al.,

Defendants - Appellees.

No. 09-35451

D.C. No. 1:09-cv-00003-JWS

MEMORANDUM \*

Appeal from the United States District Court  
for the District of Alaska  
John W. Sedwick, Chief District Judge, Presiding

Submitted August 20, 2009\*\*  
San Francisco, California

Before: WALLACE, HAWKINS and THOMAS, Circuit Judges.

---

\* 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).

Plaintiffs-Appellants Tongass Conservation Society, Sierra Club, Natural Resources Defense Council, Greenpeace, Inc., Center for Biological Diversity and Cascadia Wildlands Project appeal the district court's denial of their request for preliminary injunctive relief against Forrest Cole, in his official capacity as Tongass National Forest Supervisor, the United States Forest Service and the United States Department of Agriculture. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm.

We express no view on the merits of the complaint. Our sole inquiry is whether the district court abused its discretion in denying preliminary injunctive relief. *The Lands Council v. McNair*, 537 F.3d 981, 986 (9th Cir. 2008); *see Winter v. Natural Resources Defense Council*, 129 S. Ct. 365, 374 (2008) (listing factors for district court to consider). We conclude the district court did not abuse its discretion. Accordingly, we affirm the district court's order denying the preliminary injunction.

**AFFIRMED.**