

DEC 14 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LANCE CONWAY WOOD,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>KEITH YORDY, Ex-Deputy Warden at Idaho State Correctional Institution (ISCI; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 09-35594

D.C. No. 1:07-cv-00350-EJL

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho  
Edward J. Lodge, District Judge, Presiding

Submitted November 17, 2009\*\*

Before: ALARCÓN, TROTT and TASHIMA, Circuit Judges.

Idaho state prisoner Lance Wood appeals pro se from the district court's  
order denying his motion for a preliminary injunction in his 42 U.S.C. § 1983

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\* 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).

action alleging that prison officials retaliated against him for exercising his right to access the courts. 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.**