

DEC 28 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FALCON STAINLESS, INC., a California Corporation,</p> <p style="text-align: center;">Plaintiff-counter-defendant - Appellant,</p> <p style="text-align: center;">v.</p> <p>RINO COMPANIES, INC., DBA Rino Flex Connectors, DBA Performance Sales, a California Corp.; et al.,</p> <p style="text-align: center;">Defendants-counter-claimants - Appellees,</p> <p>and</p> <p>HAMPTON-CONDON SALES, INC.,</p> <p style="text-align: center;">Counter-claimant.</p>
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No. 09-55246

D.C. No. 8:08-cv-00926-AHS-MLG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Alicemarie H. Stotler, District Judge, Presiding

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

Submitted December 15, 2009**

Before: GOODWIN, WALLACE and FISHER, Circuit Judges.

Falcon Stainless, Inc. appeals the district court's denial of its request for preliminary injunctive relief against defendant-appellees Rino Companies, Inc., Performance Sales, Inc., Southsea Metal, Inc., John Novello and Herry Rieger. 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.

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