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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

THOMAS DEAN WINFREY,

Plaintiff - Appellant,

v.

MATTHEW CATE; et al.,

Defendants - Appellees.

No. 09-56101

D.C. No. 2:08-CV-07096-GHK-
RNB

MEMORANDUM*

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

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

This pro se appeal from the district court's order denying appellant's motion

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

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

for a preliminary injunction comes to us for review under Ninth Circuit Rule 3-3. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm.

Appellant, a California state prisoner, sought injunctive relief allowing the Odinist/Asatru faith group to meet and worship weekly in the prison chapel where the prison authorities allow the group to use the chapel for only 1 ½ hours per month.

We express no view on the merits of the complaint. Our sole inquiry is whether the district court abused its discretion in denying preliminary injunction relief. *See Guzman v. Shewry*, 552 F.3d 941, 948 (9th Cir. 2009). Obtaining a preliminary injunction "requires a party to demonstrate 'that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.'" *Stormans, Inc. v. Selecky*, 571 F.3d 960, 978 (9th Cir. 2009) (quoting *Winter v. National Resources Defense Council*, 129 S. Ct. 365, 374 (2008)). We conclude that the district court did not abuse its discretion in concluding that appellant failed to demonstrate a likelihood of success as to his claims of violations of his rights under the Free Exercise Clause, the Equal Protection Clause, and the Religious Land Use and Institutionalized Persons Act,

and in denying preliminary injunctive relief. *See id.* Accordingly, we affirm the district court's order denying the preliminary injunction.

AFFIRMED.