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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>FRANK E. SISNEROZ,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>BILL WHITMAN; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 08-17634

D.C. No. 1:01-cv-05058-AWI-TAG

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, Chief District Judge, Presiding

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Frank E. Sisneroz, a California civil detainee, appeals pro se from the district court's order denying his request for injunctive relief in connection with the

* 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).

conditions of confinement at Tulare County Jail. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Theme Promotions, Inc. v. News Am. Mktg. FSI*, 546 F.3d 991, 1000 (9th Cir. 2008). We affirm.

The district court did not abuse its discretion by denying injunctive relief because Sisneroz failed to allege facts demonstrating a likelihood of substantial and immediate irreparable injury, despite receiving instruction on how to meet the requirements and being given two opportunities to do so. *See Gomez v. Vernon*, 255 F.3d 1118, 1128 (9th Cir. 2001) (“In general, injunctive relief is to be used sparingly, and only in a clear and plain case.”) (citation and internal quotation marks omitted).

Sisneroz’s remaining contentions are unpersuasive.

Sisneroz’s request for judicial notice of his indigency is denied as unnecessary.

AFFIRMED.