

APR 12 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>H&amp;R BLOCK TAX SERVICES, LLC; et al.,</p> <p style="text-align: center;">Plaintiffs - Appellees,</p> <p style="text-align: center;">v.</p> <p>KATHRYN KUTZMAN,</p> <p style="text-align: center;">Defendant - Appellant.</p>
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No. 10-35141

D.C. No. 9:10-cv-00003-DWM

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Donald W. Molloy, District Judge, Presiding

Submitted April 5, 2010\*\*

Before: RYMER, McKEOWN and PAEZ, Circuit Judges.

Kathryn Kutzman appeals the district court’s partial grant of a request for preliminary injunctive relief against her by appellee H&R Block Tax Services, LLC. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm.

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

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); *Sports Form, Inc.*, 686 F.2d 750, 752-53 (9th Cir. 1982) (explaining limited scope of review). We conclude the district court did not abuse its discretion. Accordingly, we affirm the district court's order.

**AFFIRMED.**