

APR 12 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SHERRY MARTIN, dba Sherry Martin
Photography,

Plaintiff - Appellant,

v.

WALT DISNEY INTERNET GROUP; et
al.,

Defendants - Appellees.

No. 10-55005

D.C. No. 3:09-cv-01601-MMA-
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MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Michael M. Anello, District Judge, Presiding

Submitted April 5, 2010**

Before: RYMER, McKEOWN and PAEZ, Circuit Judges.

Plaintiff-appellant Sherry Martin, dba Sherry Martin Photography appeals the district court's denial of her request for preliminary injunctive relief against defendants-appellees in connection with appellant's complaint against them for

* 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).

copyright infringement. 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); *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 denying the preliminary injunction.

We deny appellant's request for oral argument and her motion to strike portions of the answering brief.

AFFIRMED.