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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

COUNTRY JOE STEVENS, aka Singing
Horse,

Plaintiff - Appellant,

v.

HOWARD SKOLNICK; et al.,

Defendants - Appellees.

No. 09-16876

D.C. No. 3:09-cv-00227-BES-
RAM

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Brian E. Sandoval, District Judge, Presiding

Submitted June 29, 2010**
San Francisco, California

Before: ALARCÓN, LEAVY, and GRABER, Circuit Judges.

Country Joe Stevens, a Nevada state prisoner, appeals pro se the district court's order denying his motion for a temporary restraining order ("TRO").

Stevens brought a 42 U.S.C. § 1983 action alleging that the Nevada Department of

* 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).

Corrections Administrative Regulations 810 and 711, which deal with religious faith group activities and programs, and the prison officials' confiscation of religious objects, violated his First Amendment right to free exercise of his Native American religion, his equal protection rights, and his rights under the Religious Land Use and Institutionalized Persons Act. Stevens sought to temporarily restrain prison officials from refusing Stevens permission to perform his daily Native American prayer practice. The district court concluded that Stevens failed to show a significant threat of irreparable injury, and denied the request for a TRO.

Generally, a district court's denial of an application for a TRO is not an appealable final order. *See Religious Tech. Ctr. Church of Scientology Int'l, Inc. v. Scott*, 869 F.2d 1306, 1308 (9th Cir. 1989). Although an "order denominated a TRO that possesses qualities of a preliminary injunction is a reviewable interlocutory order," *SEIU v. Nat'l Union of Healthcare Workers*, 598 F.3d 1061, 1067 (9th Cir. 2010) (finding a TRO akin to a preliminary injunction where the district court held an adversarial hearing and where the duration of the TRO exceeded the ordinary duration for TROs), we conclude that the district court's order is not akin to the denial of a preliminary injunction and is therefore not

reviewable under 28 U.S.C. § 1292(a)(1).

Appellant's motion to strike portions of the answering brief is denied.

DISMISSED.