

AUG 31 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PP&M TOWING & RECOVERY, INC., a
California corporation,

Plaintiff - Appellant,

v.

CITY AND COUNTY OF SAN
FRANCISCO, a subdivision of the State of
California; GEORGE GASCON, in his
capacity as the Chief of Police of the City
of San Francisco, California,

Defendants - Appellees.

No. 10-16062

D.C. No. 3:10-cv-01466-THE

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Thelton E. Henderson, Senior District Judge, Presiding

Submitted August 23, 2010**

Before: LEAVY, HAWKINS and THOMAS, Circuit Judges.

* 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).

PP&M Towing & Recovery, Inc. appeals the district court's denial of its request for preliminary injunctive relief against the City & County of San Francisco and George Gascon, in his official capacity as Chief of Police. 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. v. United Press Int'l*, 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.

AFFIRMED.