

OCT 22 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT ROSEBROCK,

Plaintiff - Appellant,

v.

RONALD MATHIS, Chief of Police of
The Veterans Administration Greater Los
Angeles Healthcare System, in his official
capacity and DONNA BEITER, Director
of The Veterans Administration Greater
Los Angeles Healthcare System, in her
official capacity,

Defendants - Appellees.

No. 10-56132

D.C. No. 2:10-cv-01878-SJO-SS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding

Submitted October 19, 2010**
San Francisco, California

Before: O'SCANNLAIN, TALLMAN, and BEA, 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).

Robert Rosebrock appeals the district court's denial of his request for preliminary injunctive relief against Veterans Administration officials in his action alleging viewpoint discrimination in violation of the First Amendment. 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, 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.

AFFIRMED.