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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUSTIN RINGGOLD-LOCKHART and
NINA RINGGOLD,

Plaintiffs - Appellants,

v.

MYER J. SANKARY; et al.,

Defendants - Appellees.

No. 10-56175

D.C. No. 2:09-cv-09215-R-RC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted December 14, 2010**

Before: GOODWIN, WALLACE and THOMAS, Circuit Judges.

This interlocutory appeal comes to us for review under Ninth Circuit Rule 3-3 as a preliminary injunction appeal. We have jurisdiction under 28 U.S.C. § 1292(a)(1). We dismiss.

* 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).

The district court denied appellants' request for a preliminary injunction seeking to stay state court proceedings. After appellants filed this appeal, the district court dismissed the underlying federal action. We determine questions of mootness in light of the present circumstances. *Mitchell v. Dupnik*, 75 F.3d 517, 528 (9th Cir. 1996). Because the facts and circumstances supporting the preliminary injunction application have materially changed, we cannot grant the requested relief. *Doe and Associates Law Offices v. Napolitano*, 252 F.3d 1026, 1029 (9th Cir. 2001) (holding that dismissal of underlying action renders moot the district court's denial of preliminary injunctive relief). Accordingly, this appeal is moot.

All pending motions are **DENIED**.

DISMISSED.