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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GOLDEN STATE BANK, a California Corporation,</p> <p style="text-align: center;">Plaintiff-Counter-Defendant -</p> <p>Appellee,</p> <p style="text-align: center;">v.</p> <p>FIRST-CITIZENS BANK & TRUST COMPANY, a North Carolina corporation,</p> <p style="text-align: center;">Defendant-Counter-Claimant - Appellant.</p>
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No. 10-56388

D.C. No. 5:10-cv-00526-GW-OP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. Wu, District Judge, Presiding

Submitted January 11, 2011**

Before: BEEZER, TALLMAN and CALLAHAN, Circuit Judges.

First-Citizens Bank & Trust Company appeals from the district court's order expunging a lis pendens and ordering that certain real property not be sold or

* 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).

encumbered without prior approval from the court or the arbitrator in the parties' pending arbitration proceedings. Having conducted a review of the record, and the briefing in this appeal, we conclude that the district court's order is not an order granting, modifying or denying a preliminary injunction. 28 U.S.C.A. § 1292(a)(1). Consequently, this interlocutory appeal is dismissed for lack of jurisdiction.

DISMISSED.