

APR 27 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CECIL DUDGEON,

Plaintiff - Appellant,

v.

KELLY CUNNINGHAM, Superintendent;  
et al.,

Defendants - Appellees.

No. 10-36109

D.C. No. 3:10-cv-05372-RBL-  
KLS

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Ronald B. Leighton, District Judge, Presiding

Submitted April 20, 2011\*\*

Before: RYMER, THOMAS, and PAEZ, Circuit Judges.

Cecil Dudgeon, who is civilly committed as a sexually violent predator to the Special Commitment Center (“SCC”) pursuant to Wash. Rev. Code 71.09, appeals pro se the district court’s denial of his request for a preliminary injunction

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\* 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).

which sought to enjoin SCC officials from censoring Dudgeon's incoming mail. In his 42 U.S.C. § 1983 action, Dudgeon alleged that officials violated his First Amendment and due process rights by confiscating a calendar which contained photographs of his family.

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.**