

FEB 24 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**JAMES J. MCDERMOTT, Regional  
Director of Region 31 of the National  
Labor Relations Board, for and on  
behalf of the National Labor Relations  
Board; NATIONAL LABOR  
RELATIONS BOARD,**

Petitioners - Appellants,

v.

**VERITAS HEALTH SERVICES, INC.,  
DBA Chino Valley Medical Center,**

Respondent - Appellee.

**No. 11-56125**

**D.C. No. 2:11-cv-02852-PA-OP**

**MEMORANDUM\***

Appeal from the United States District Court  
for the Central District of California  
Percy Anderson, District Judge, Presiding

Argued and Submitted February 7, 2012  
Pasadena, California

Before: **KOZINSKI**, Chief Judge, **O'SCANNLAIN** and **N.R. SMITH**,  
Circuit Judges.

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

We review the denial of a temporary injunction for an abuse of discretion. “An abuse of discretion will be found if the district court based its decision on an erroneous legal standard or clearly erroneous finding of fact.” Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131 (9th Cir. 2011) (internal quotation marks omitted).

The Regional Director has failed to show the district court abused its discretion. The district court’s factual findings are not clearly erroneous and are supported by the record. Moreover, the district court identified the correct legal standards, and applied them in a reasonable manner. The district court therefore did not abuse its discretion. See United States v. Hinkson, 585 F.3d 1247, 1262 (9th Cir. 2009) (en banc). Accordingly, we affirm the district court’s denial of the temporary injunction.

**AFFIRMED.**