

AUG 13 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>LOCAL SEARCH ASSOCIATION,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>CITY & COUNTY OF SAN FRANCISCO; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 12-16082

D.C. No. 4:11-cv-02776-SBA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Saundra B. Armstrong, District Judge, Presiding

Submitted August 8, 2012**

Before: ALARCÓN, BERZON and IKUTA, Circuit Judges.

In this interlocutory appeal, Local Search Association appeals the district court’s stay and denial of its request for preliminary injunctive relief against the City and County of San Francisco, its Board of Supervisors and Mayor in an action

* 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).

challenging the constitutionality of City Ordinance 78-11. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we reverse and remand.

The district court granted the City's motion for a stay until 30 days after this court decides Dex Media West, Inc. v. City of Seattle, Nos. 11-35399 & 11-35787 or October 15, 2012, whichever is earlier, conditioned on the City's agreement to postpone enforcement of the Ordinance. The district court also denied appellant's motion for a preliminary injunction without prejudice to renewal upon reopening of the district court action.

We conclude that the district court abused its discretion by denying preliminary injunctive relief without conducting the analysis required by *Winter v. Natural Resources Defense Council*, 555 U.S. 7, 20 (2008). We remand this case for the district court to apply the proper standard for determining whether injunctive relief is warranted.

Appellant's motion to expedite this appeal is denied as unnecessary.

REVERSED and REMANDED.