

NOV 27 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

and

CHRISTOPHER KIM, AKA Chris Kim,  
AKA KJ Kim, AKA Kyung Joon Kim; et  
al.,

Claimant - Appellee,

ERIC HONIG; et al.,

Intervenor - Appellees,

v.

475 MARTIN LANE, BEVERLY HILLS,  
CALIFORNIA, Real Property Located at,

Defendant,

OPTIONAL CAPITAL, INC., AKA  
Optional Ventures,

Claimant - Appellant.

No. 12-55417

D.C. No. 2:04-cv-02788-ABC-  
PLA

MEMORANDUM\*

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

Appeal from the United States District Court  
for the Central District of California  
Audrey B. Collins, District Judge, Presiding

Argued and Submitted November 5, 2012  
Pasadena, California

Before: D.W. NELSON and O'SCANLAIN, Circuit Judges, and GONZALEZ,  
District Judge.\*\*

Optional Capital, Inc. ("Optional") contends that the district court abused its discretion in issuing a preliminary injunction preventing it from levying on the properties involved in this case. We disagree. The district court rightly found that there were serious questions going to the merits and that the balance of hardships tilted strongly against Optional. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011).

This court does not have jurisdiction at this time to review the district court's interlocutory order on lien priorities because it is not "inextricably intertwined" with the preliminary injunction. *Hendricks v. Bank of Am., N.A.*, 408 F.3d 1127, 1134 (9th Cir. 2005).

Appellee's motions to strike are denied as moot.

**AFFIRMED.**

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\*\* The Honorable Irma E. Gonzalez, District Judge for the U.S. District Court for Southern California, sitting by designation.