

SEP 10 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHRIS O'NEILL,

Plaintiff - Appellant,

v.

JOHN PEERY, Dr.; et al.,

Defendants - Appellees.

No. 13-15251

D.C. No. 3:12-cv-00030-LRH-  
WGC

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
Larry R. Hicks, District Judge, Presiding

Submitted September 9, 2013 \*\*

Before: TASHIMA, M.SMITH, and IKUTA, Circuit Judges.

Plaintiff Christopher O'Neill appeals pro se the district court's denial of his request for preliminary injunctive relief against defendant prison officials and from

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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).

the district court's denial of his motion to file a first amended complaint. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm in part and dismiss in part.

Our sole inquiry is whether the district court abused its discretion in denying preliminary injunctive relief, and we conclude the district court did not abuse its discretion. *Winter v. Natural Resources Defense Council*, 555 U.S. 7, 24 (2008) (listing factors for district court to consider); *Sports Form, Inc. v. United Press Int'l*, 686 F.2d 750, 752-53 (9th Cir. 1982) (explaining limited scope of review).

We lack jurisdiction to consider the district court's order denying O'Neill's motion for leave to file an amended complaint. *Skoog v. Cnty. of Clackamas*, 469 F.3d 1221, 1228–29 (9th Cir. 2006).

**AFFIRMED in part, DISMISSED in part.**