

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

FEB 28 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MICHAEL LENOIR SMITH,

Plaintiff - Appellant,

v.

YATES, Warden; et al.,

Defendants - Appellees.

No. 13-16947

D.C. No. 1:07-cv-01547-SRB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Susan R. Bolton, District Judge, Presiding

Submitted February 19, 2014**

Before: LEAVY, TASHIMA and GRABER, Circuit Judges.

Michael Lenoir Smith appeals pro se the district court's denial of his request for preliminary injunctive relief against defendant prison officials. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm.

* 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).

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 Res. Def. Council Inc.*, 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).

AFFIRMED.