

FILED

JUN 21 2016

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KPMG LLP, a Delaware Limited Liability  
Partnership,

Plaintiff - Appellee,

v.

KURT KANAM, individually and as  
Tribal Attorney for the Native Village of  
Karluk and ORBIE MULLINS,  
individually and as Village of Karluk  
Tribal Court Judge for the Karluk Trial  
Court for the Native Village of Karluk,

Defendants - Appellants.

No. 15-35714

D.C. No. 3:15-cv-00129-SLG

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Alaska  
Sharon L. Gleason, District Judge, Presiding

Submitted June 9, 2016\*\*  
Seattle, Washington

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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).

Before: EBEL,<sup>\*\*\*</sup> PAEZ, and BYBEE, Circuit Judges.

Appellants Kurt Kanam and Orbie Mullins filed their interlocutory appeal challenging the district court's order granting KPMG a preliminary injunction. We have jurisdiction pursuant to 28 U.S.C. § 1292(a)(1), and we affirm.

Although Kanam and Mullins received notice and service of KPMG's motion for a preliminary injunction, they failed to oppose KPMG's motion before the district court. Neither Kanam nor Mullins filed an opposition brief or appeared at the district court's hearing on the motion for a preliminary injunction. Instead, they raised their objections to the preliminary injunction for the first time on appeal. Under our case law, failure to raise an issue before the district court waives consideration of that issue on appeal. *K.W. ex rel. D.W. v. Armstrong*, 789 F.3d 962, 974 (9th Cir. 2015). Accordingly, the district court's order granting preliminary injunctive relief is

**AFFIRMED.**

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<sup>\*\*\*</sup> The Honorable David M. Ebel, Senior Circuit Judge for the U.S. Court of Appeals for the Tenth Circuit, sitting by designation.