

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 2 2017

FOR THE NINTH CIRCUIT

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

CRAIG ROSS; NATALIE OPERSTEIN,

No. 16-55871

Plaintiffs-Appellants,

D.C. No. 2:16-cv-03778-ODW-JC

v.

MEMORANDUM*

THE BOARD OF TRUSTEES OF
CALIFORNIA STATE UNIVERSITY,

Defendant-Appellee.

Appeal from the United States District Court
for the Central District of California
Otis D. Wright II, District Judge, Presiding

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

Craig Ross and Natalie Operstein appeal pro se from the district court's order denying their application for a temporary restraining order and preliminary injunction in their employment action. We have jurisdiction under 28 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1292(a)(1). We review for an abuse of discretion the denial of a preliminary injunction and de novo the underlying issues of law. *Valle Del Sol Inc. v. Whiting*, 709 F.3d 808, 816-17 (9th Cir. 2013). We may affirm on any basis supported by the record. *Johnson v. Riverside Healthcare Sys., LP*, 534 F.3d 1116, 1121 (9th Cir. 2008). We affirm.

Denial of the preliminary injunction was proper because plaintiffs did not demonstrate that they are entitled to injunctive relief. *See Thalheimer v. City of San Diego*, 645 F.3d 1109, 1115 (9th Cir. 2011) (“A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.”).

Defendant’s motion to accept a late filing, filed on November 18, 2016, is granted.

All other pending motions and requests are denied.

AFFIRMED.