

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 26 2018

FOR THE NINTH CIRCUIT

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

KEYHAN MOHANNA, individually and as
Trustee of the Keyhan Revocable Trust Date
July 8, 2003,

Plaintiff-Appellant,

v.

CARRINGTON MORTGAGE SERVICES,
LLC; CHRISTIANA TRUST, a Division of
Wilmington Savings Fund Society, FSB, not
in its individual capacity but as Trustee of
ARLP Trust 3,

Defendants-Appellees.

No. 18-15954

D.C. No. 3:18-cv-02563-WHO

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William Horsley Orrick, District Judge, Presiding

Submitted October 22, 2018**

Before: SILVERMAN, GRABER, and GOULD, Circuit Judges.

Keyhan Mohanna appeals pro se from the district court's orders denying his

* 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).

application for a temporary restraining order (“TRO”) and motion for reconsideration in his action alleging Fair Debt Collection Practices Act and state law claims. We have jurisdiction to determine our own jurisdiction. *Havensight Capital LLC v. Nike, Inc.*, 891 F.3d 1167, 1171 (9th Cir. 2018). We dismiss for lack of jurisdiction.

We lack jurisdiction over this interlocutory appeal because the district court’s denial of a TRO was not tantamount to the denial of a preliminary injunction, and did not effectively decide the merits of the case. *See Religious Tech. Ctr. v. Scott*, 869 F.2d 1306, 1308 (9th Cir. 1989) (although ordinarily not appealable, denial of a TRO may be appealed if tantamount to denial of a preliminary injunction; the court considers whether the denial followed a full adversary hearing and whether, absent review, appellant would be effectively foreclosed from pursuing further interlocutory relief); *Graham v. Teledyne-Continental Motors*, 805 F.2d 1386, 1388 (9th Cir. 1987) (denial of TRO may be appealed if it effectively decides the merits of the case).

Appellees’ request for an award of costs on appeal, set forth in the answering brief, is denied without prejudice to re-filing in compliance with Federal Rule of Appellate Procedure 39 and Ninth Circuit Rule 39-1.

DISMISSED.