

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 28 2021

FOR THE NINTH CIRCUIT

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

JONATHAN JASON RODRIGUEZ,

No. 20-36006

Plaintiff-Appellant,

D.C. No. 2:19-cv-00087-AC

v.

MEMORANDUM*

BRAD CAIN; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Oregon

Karin J. Immergut, District Judge, Presiding

Submitted April 20, 2021**

Before: THOMAS, Chief Judge, TASHIMA and SILVERMAN, Circuit Judges.

Oregon state prisoner Jonathan Jason Rodriguez appeals pro se from the district court's order denying his third motion for a preliminary injunction in his 42 U.S.C. § 1983 action alleging various constitutional claims. We have jurisdiction under 28 U.S.C. § 1292(a)(1). We review for an abuse of discretion.

* 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).

Jackson v. City & County of San Francisco, 746 F.3d 953, 958 (9th Cir. 2014).

We affirm.

The district court did not abuse its discretion by denying Rodriguez’s third motion for a preliminary injunction because Rodriguez failed to establish that he was likely to suffer irreparable harm. *See Boardman v. Pac. Seafood Grp.*, 822 F.3d 1011, 1022 (9th Cir. 2016) (explaining that “a plaintiff must *demonstrate* immediate threatened injury as a prerequisite to preliminary injunctive relief”; “[s]peculative injury does not constitute irreparable injury sufficient” to obtain a preliminary injunction (alteration in original, citation and internal quotation marks omitted)). In addition, Rodriguez’s third motion for a preliminary injunction contained allegations concerning a nonparty officer. *See Zepeda v. U.S. INS*, 753 F.2d 719, 727 (9th Cir. 1983) (explaining that the scope of an injunction is limited to the parties in the action).

Rodriguez’s motion for an injunction, set forth in the opening brief, is denied.

AFFIRMED.