

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 29 2021

FOR THE NINTH CIRCUIT

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

AMEER ALGHUSAIN,

Plaintiff-Appellant,

v.

JASON L. NEMETH; et al.,

Defendants-Appellees.

No. 21-15110

D.C. No. 5:20-cv-05175-BLF

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Beth Labson Freeman, District Judge, Presiding

Submitted April 20, 2021**

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

Ameer Alghusain appeals pro se from the district court's order denying his motion for a preliminary injunction in his 42 U.S.C. § 1983 action arising out of injuries Alghusain sustained in Ohio. We have jurisdiction under 28 U.S.C. § 1292(a)(1). We review for an abuse of discretion. *Jackson v. City & County of*

* 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).

San Francisco, 746 F.3d 953, 958 (9th Cir. 2014). We affirm.

The district court did not abuse its discretion by denying Alghusain's motion for a preliminary injunction because Alghusain failed to establish that he is likely to succeed on the merits of his claims. *See id.* (plaintiff seeking preliminary injunction must establish that he is likely to succeed on the merits, he is likely to suffer irreparable harm in the absence of preliminary relief, the balance of equities tips in his favor, and an injunction is in the public interest).

We reject as without merit Alghusain's contentions that the district court was required to grant his motion because it was unopposed and that the district court should have granted Alghusain an opportunity to file an amended motion.

AFFIRMED.