

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 25 2021

FOR THE NINTH CIRCUIT

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

GABRIEL JOHN BRADWAY,

No. 21-15346

Plaintiff-Appellant,

D.C. No. 2:20-cv-00436-JAM-KJN

v.

MEMORANDUM*

YASHODARA RAO, Chief Dr. of Mental
Health, E.O.P.,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted August 17, 2021**

Before: SILVERMAN, CHRISTEN, and LEE, Circuit Judges.

California state prisoner Gabriel John Bradway appeals pro se from the district court's order denying his motion for a temporary restraining order ("TRO") in his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. Our jurisdiction over interlocutory appeals is governed by 28

* 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).

U.S.C. § 1292. Because the district court's denial of Bradway's motion for a TRO is not an appealable interlocutory order, we dismiss the appeal for lack jurisdiction.

We lack jurisdiction over the district court's order denying Bradway's motion for a TRO because it did not amount to the denial of a preliminary injunction. *Religious Tech. Ctr., Church of Scientology Int'l, Inc. v. Scott*, 869 F.2d 1306, 1308 (explaining that an appeal ordinarily "does not lie from the denial of an application for a temporary restraining order" because such appeals are considered "premature," and that a district court's order denying an application for a TRO is reviewable on appeal only if the order is tantamount to the denial of a preliminary injunction).

We do not consider Bradway's contention that the district court erred by overruling his untimely objections to the magistrate judge's findings and recommendation because it is not reviewable by this court in an interlocutory appeal.

DISMISSED.