

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 1 2022

FOR THE NINTH CIRCUIT

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

JOHNNY LEE JONES III,

No. 22-15205

Plaintiff-Appellant,

D.C. No. 3:21-cv-00028-MMD-
CSD

v.

BARTH, Sgt.; HOWARD, Officer; COSBY,
Officer; THOMPSON, Officer; WARREN
JOHNSON,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the District of Nevada
Miranda M. Du, District Judge, Presiding

Submitted May 17, 2022**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Arizona state prisoner Johnny Lee Jones III appeals pro se from the district court's order denying his motion for a preliminary injunction in his 42 U.S.C. § 1983 action alleging First, Eighth, and Fourteenth Amendment violations. We

* 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).

have jurisdiction under 28 U.S.C. § 1292(a)(1). We review for an abuse of discretion. *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 Jones's motion for a preliminary injunction because Jones failed to demonstrate that such relief is warranted. *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).

Jones's motion to expedite (Docket Entry No. 9) is denied as moot.

Jones's request to certify a constitutional question to the attorney general (Docket Entry No. 17) is denied.

AFFIRMED.