

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 21 2023

FOR THE NINTH CIRCUIT

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

DEMOND CHARLES BRACKETT,

No. 22-16741

Plaintiff-Appellant,

D.C. No. 2:21-cv-02282-KJM-JDP

v.

MEMORANDUM*

WENDELL ANDERSON, Sheriff; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Kimberly J. Mueller, District Judge, Presiding

Submitted April 17, 2023**

Before: CLIFTON, R. NELSON, and BRESS, Circuit Judges.

California state prisoner Demond Charles Brackett appeals pro se from the district court's order denying without prejudice his 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

* 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).

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 Brackett's motion for a preliminary injunction because Brackett failed to demonstrate that such relief is warranted. *See id.* (explaining that a plaintiff seeking a 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).

Brackett's motion for an extension of time to file the opening brief (Docket Entry No. 10) is denied as unnecessary because his opening brief (Docket Entry No. 12) was timely filed.

AFFIRMED.