

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 22 2023

FOR THE NINTH CIRCUIT

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

ERNESTO ZARAGOSA-SOLIS,

No. 23-15306

Plaintiff-Appellant,

D.C. No. 4:22-cv-00562-JCH

v.

MEMORANDUM*

M. GUTIERREZ, Warden; CHRISTENSEN,
Lt.; FEDERAL BUREAU OF PRISONS; C.
NEWLAND, physician assistant; K.
MORAN, SIS Technician,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Arizona
John Charles Hinderaker, District Judge, Presiding

Submitted August 15, 2023**

Before: TASHIMA, S.R. THOMAS, and FORREST, Circuit Judges.

Federal prisoner Ernesto Zaragosa-Solis appeals pro se from the district court's order denying his motions for a preliminary injunction in his action alleging various federal claims. We have jurisdiction under 28 U.S.C.

* 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).

§ 1292(a)(1). We review de novo questions of our own jurisdiction, *Hunt v. Imperial Merchant Servs., Inc.*, 560 F.3d 1137, 1140 (9th Cir. 2009), and we dismiss this appeal as moot.

Zaragosa-Solis’s appeal is moot because, during the pendency of this appeal, Zaragosa-Solis amended the complaint that formed the basis of the appeal. *See Falck N. Cal. Corp. v. Scott Griffith Collaborative Sols., LLC*, 25 F.4th 763, 765-66 (9th Cir. 2022) (holding that the amendment of a complaint on which an interlocutory appeal is based moots the appeal, even if the amended complaint is “substantively the same,” because the prior complaint becomes “a legal nullity”); *Akina v. Hawaii*, 835 F.3d 1003, 1010 (9th Cir. 2016) (“An interlocutory appeal of the denial of a preliminary injunction is moot when a court can no longer grant any effective relief sought in the injunction request.”); *ACF Indus. Inc. v. Cal. State Bd. of Equalization*, 42 F.3d 1286, 1292 (9th Cir. 1994) (dismissing as moot certain claims on appeal from the denial of a preliminary injunction because the claims were dismissed before the district court while the appeal was pending).

In light of our disposition, we do not consider Zaragosa-Solis’s contentions regarding the merits of the appeal.

All pending motions are denied as moot.

DISMISSED.