

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 19 2024

FOR THE NINTH CIRCUIT

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

MARK ANTHONY FREGIA,

No. 23-15893

Plaintiff-Appellant,

D.C. No. 1:21-cv-01068-JLT-BAM

v.

MEMORANDUM*

P. A. MIRANDA; SAVAGE; RIDGE,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Jennifer L. Thurston, District Judge, Presiding

Submitted January 17, 2024**

Before: S.R. THOMAS, McKEOWN, and HURWITZ, Circuit Judges.

California state prisoner Mark Anthony Fregia 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 deliberate indifference to his serious medical needs. 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. *Am. Trucking Ass'ns, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009). We affirm.

The district court did not abuse its discretion by denying Fregia's motion for a preliminary injunction because Fregia's requested relief was not tied to the claims and parties in the complaint. *See Pac. Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 636 (9th Cir. 2015) (holding that, when a plaintiff seeks injunctive relief, "there must be a relationship between the injury claimed in the motion for injunctive relief and the conduct asserted in the underlying complaint"); *Diamontiney v. Borg*, 918 F.2d 793, 796 (9th Cir. 1990) (holding that, in the absence of any other relationship between the injury claimed in the motion for injunctive relief and the conduct asserted in the underlying complaint, a plaintiff must demonstrate the challenged practices affect the plaintiff's ability to litigate the action).

We lack jurisdiction over the district court's orders denying Fregia's motions for a stay of proceedings and for disqualification of defendant's counsel. *See Nat'l Wildlife Fed'n v. Nat'l Marine Fisheries Serv.*, 886 F.3d 803, 825 (9th Cir. 2018) ("[O]rders that regulate the conduct of litigation . . . are not appealable under § 1292(a)(1)."); *Lynn v. Gateway Unified Sch. Dist.*, 771 F.3d 1135, 1139 (9th Cir. 2014) (explaining that counsel disqualification orders are not final appealable orders).

Fregia's motion for injunctive relief and appointment of counsel (Docket Entry No. 13), motion for default judgment (Docket Entry No. 17), motion for sanctions (Docket Entry No. 25), and requests for injunctive relief set forth in the opening brief, are denied.

AFFIRMED.