

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 24 2024

FOR THE NINTH CIRCUIT

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

JUAN RODRIGUEZ,

Plaintiff - Appellant,

v.

MONTANA DEPARTMENT OF HEALTH
AND HUMAN SERVICES; THERESA
DIEKHANS; THERESA ADAMS; APRIL
JONES; SAHRITA JONES; HEATHER
SMITH; BRANDI CAMPBELL; BECCI
DELINGER; ALANA KIETZMAN; LISA
ANDERSON MANGAN; TREVOR
LEWIS; ANNA FISHER; JUDY
HARTELIUS; AMANDA HOPE,

Defendants - Appellees.

No. 24-4309

D.C. No. 6:17-cv-00104-BMM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Brian M. Morris, District Judge, Presiding

Submitted December 17, 2024**

Before: WALLACE, GRABER, and BUMATAY, Circuit Judges.

* 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).

Juan Rodriguez appeals pro se from the district court's order denying his motion for a preliminary injunction in his action under the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. We have jurisdiction under 28 U.S.C. § 1292(a)(1). We review for an abuse of 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 in denying Rodriguez's motion for a preliminary injunction because Rodriguez failed to establish the requirements for such relief. *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). We express no opinion as to the merits of the claims pending in the district court.

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.