

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 6 2026

FOR THE NINTH CIRCUIT

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

CHARLES SIRIUS DAY,

Plaintiff - Appellant,

v.

LA SANITATION & ENVIRONMENT;
CITY OF LOS ANGELES; LOS
ANGELES POLICE DEPARTMENT,

Defendants - Appellees,

and

STATE OF CALIFORNIA, AHDOOT
FAMILY TRUST, AHDOOT
ROOHOLLAH, Trustee of The Ahdoot
Family Trust, AFSANEH TRSO, Trustee of
The Ahdoot Family Trust,

Defendants.

No. 25-5705

D.C. No.

2:25-cv-04690-JWH-AS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John W. Holcomb, District Judge, Presiding

Submitted April 30, 2026**

* 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).

Before: N.R. SMITH, BUMATAY, and H.A. THOMAS, Circuit Judges.

Charles Sirius Day appeals pro se the district court’s denial of (1) his Motion for Expanded Injunctive Relief, which he sought to compel the City of Los Angeles, Los Angeles Department of Sanitation and Environment, and Los Angeles Police Department (collectively, “Appellees”) to pay Day monetary relief, establish “protective zones” around Day, order investigations, and provide Day with United States Marshal protection; and (2) his Motion for Relief (seeking reconsideration of the district court’s prior denial of his motion for contempt) and Motion for Contempt (alleging the Appellees violated injunctions in other cases). We affirm.

In his complaint, Day alleges that he is a street vendor in the Skid Row area of Los Angeles and that Appellees unlawfully seized and destroyed his property without notice during a street cleaning. Day also sought a temporary restraining order preventing Appellees from such conduct, which the district court granted.

On August 7, 2025, the district court granted Day’s unopposed motion for a preliminary injunction and enjoined Appellees from unlawfully seizing and destroying Day’s property without complying with the notice requirements of LAMC sections 56.11(4)(a)(7) and (b)(4).

1. We have jurisdiction of the denial of a preliminary injunction under 28 U.S.C. § 1292(a)(1). We review for abuse of discretion the district court’s denial. *Olson v. California*, 62 F.4th 1206, 1218 (9th Cir. 2023). To obtain a preliminary injunction, a movant must establish that (1) he is likely to succeed on the merits of his claim; (2) he is likely to suffer irreparable harm absent the preliminary injunction; (3) the balance of equities tips in his favor; and (4) a preliminary injunction is in the public interest. *Id.* at 1213; *see Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

The district court did not abuse its discretion in denying the preliminary injunction because Day fails to demonstrate that Appellees committed the wrongful acts for which he complains. Instead, Day alleges that “unknown individuals” and a “security operative” perpetrated wrongful acts against him. Thus, the district court correctly found that Day cannot establish a likelihood of success on the merits.¹ Because Day failed to meet the threshold inquiry of demonstrating a likelihood of success on the merits, we need not address the remaining three factors. *See Disney Enters. Inc. v. Vid Angel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017).

2. We only have jurisdiction over appeals of final decisions of the district

¹ To the extent Day believes he is entitled to prevail on another basis, he has waived such argument by failing to raise it. *See United States ex rel. Kelly v. Serco, Inc.*, 846 F.3d 325, 336 (9th Cir. 2017).

court, 28 U.S.C. § 1291, except as provided in 28 U.S.C. § 1292. Although there are acknowledged exceptions to this general rule, neither of these motions meet any of the exceptions. We thus lack the jurisdiction to consider them. *See Hanson v. Shubert*, 968 F.3d 1014, 1018 (9th Cir. 2020); *Branson v. City of Los Angeles*, 912 F.2d 334, 336 (9th Cir. 1990).²

DENIED IN PART and DISMISSED IN PART.

² For the first time on appeal, Day seeks a permanent injunction prohibiting Appellees from several activities. We need not address this issue because it was not raised before the trial court and cannot now be raised for the first time on appeal. *Trans Container Services v. Security Forwarders, Inc.*, 752 F.2d 483, 487 (9th Cir. 1985) (holding that an issue not raised before the trial court cannot be raised for the first time on appeal).