

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 11 2026

FOR THE NINTH CIRCUIT

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

MICHAEL THERON HAYES,

Plaintiff - Appellant,

v.

CENTURION OF IDAHO, LLC; KAYLA
MILLER; JANE AND JOHN DOE
NURSES (6); C/O DINIUS, IDOC,

Defendants - Appellees.

No. 25-7445

D.C. No. 1:23-cv-00260-DCN

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
David C. Nye, District Judge, Presiding

Submitted April 22, 2026**

Before: LEE, DESAI, and JOHNSTONE, Circuit Judges.

Idaho state prisoner Michael Theron Hayes appeals pro se from the district court's order denying his motion for preliminary injunctive relief and modifying the scheduling order in his 42 U.S.C. § 1983 action. We dismiss the appeal for lack 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).

jurisdiction.

Although we have jurisdiction under 28 U.S.C. § 1292(a)(1) to review interlocutory orders denying injunctions, Hayes does not challenge the district court's denial of injunctive relief. He appeals only the portion of the district court's order sua sponte reopening the dispositive motion deadline. We lack jurisdiction to review Hayes's interlocutory appeal of a non-final "scheduling and case management order." *Van Dusen v. Swift Transp. Co.*, 830 F.3d 893, 897 (9th Cir. 2016).

The motion (Docket Entry No. 12) to reset the briefing schedule is denied as unnecessary.

DISMISSED.