

FILED

NOT FOR PUBLICATION

JUN 11 2012

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

PROTECT OUR COMMUNITIES
FOUNDATION; BACKCOUNTRY
AGAINST DUMPS; EAST COUNTY
COMMUNITY ACTION COALITION;
DONNA TISDALE,

Plaintiffs - Appellants,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE; UNITED STATES
FOREST SERVICE; UNITED STATES
DEPARTMENT OF INTERIOR;
BUREAU OF LAND MANAGEMENT;
UNITED STATES FISH AND
WILDLIFE SERVICE; THOMAS J.
VILSACK, in his official capacity as
Secretary of the United States Department
of Agriculture; THOMAS TIDWELL, in
his official capacity as Chief of the Forest
Service; KENNETH LEE SALAZAR, in
his official capacity as Secretary of the
United States Department of the Interior;
BOB ABBEY, in his official capacity as
the Director of the Bureau of Land
Management; MIKE POOL, in his official
capacity as the Deputy Director of the

No. 11-56917

D.C. No. 3:11-cv-00093-BEN-
BGS

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Bureau of Land Management; ROWAN GOULD, in his official capacity as Acting Director of the United States Fish and Wildlife Service; RANDY MOORE, in his official capacity as Regional Forester of the Forest Service Pacific Southwest Region; JIM ABBOTT, in his official capacity as California State Director of the Bureau of Land Management; REN LOHOEFENER, in his official capacity as Pacific Southwest Regional Director of the United States Fish and Wildlife Service; WILLIAM METZ, in his official capacity as Forest Supervisor of the Cleveland National Forest; MARGARET GOODRO, in her official capacity as Field Manager of the El Centro Bureau of Land Management Field Office; JIM BARTEL, in his official capacity as Field Supervisor of the Carlsbad Fish and Wildlife Service Office,

Defendants - Appellees,

SAN DIEGO GAS & ELECTRIC
COMPANY,

Intervenor-Defendant -
Appellee.

PROTECT OUR COMMUNITIES
FOUNDATION; BACKCOUNTRY
AGAINST DUMPS; EAST COUNTY
COMMUNITY ACTION COALITION;
DONNA TISDALE,

No. 12-55174

D.C. No. 3:11-cv-00093-BEN-
BGS

Plaintiffs - Appellants,

v.

UNITED STATES DEPARTMENT OF AGRICULTURE; UNITED STATES FOREST SERVICE; UNITED STATES DEPARTMENT OF INTERIOR; BUREAU OF LAND MANAGEMENT; UNITED STATES FISH AND WILDLIFE SERVICE; THOMAS J. VILSACK, in his official capacity as Secretary of the United States Department of Agriculture; THOMAS TIDWELL, in his official capacity as Chief of the Forest Service; KENNETH LEE SALAZAR, in his official capacity as Secretary of the United States Department of the Interior; BOB ABBEY, in his official capacity as the Director of the Bureau of Land Management; MIKE POOL, in his official capacity as the Deputy Director of the Bureau of Land Management; ROWAN GOULD, in his official capacity as Acting Director of the United States Fish and Wildlife Service; RANDY MOORE, in his official capacity as Regional Forester of the Forest Service Pacific Southwest Region; JIM ABBOTT, in his official capacity as California State Director of the Bureau of Land Management; REN LOHOEFENER, in his official capacity as Pacific Southwest Regional Director of the United States Fish and Wildlife Service; WILLIAM METZ, in his official capacity as Forest Supervisor of the Cleveland National Forest; MARGARET GOODRO,

in her official capacity as Field Manager of the El Centro Bureau of Land Management Field Office; JIM BARTEL, in his official capacity as Field Supervisor of the Carlsbad Fish and Wildlife Service Office,

Defendants - Appellees,

SAN DIEGO GAS & ELECTRIC COMPANY,

Intervenor-Defendant - Appellee.

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Argued and Submitted June 7, 2012
Pasadena, California

Before: TROTT and THOMAS, Circuit Judges, and DUFFY, District Judge.**

Plaintiffs appeal the district court's denial of their request for preliminary injunctive relief. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm. Because the parties are familiar with the factual and procedural history of this case, we need not recount it here.

** The Honorable Kevin Thomas Duffy, United States District Judge for the Southern District of New York, sitting by designation.

“A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat’l Res. Def. Council*, 555 U.S. 7, 20 (2008). Our sole inquiry in this interlocutory appeal is whether the district court abused its discretion in denying preliminary injunctive relief. *Lands Council v. McNair*, 537 F.3d 981, 986 (9th Cir. 2008) (en banc); *Sports Form, Inc. v. United Press Int’l, Inc.*, 686 F.2d 750, 752-53 (9th Cir. 1982) (explaining limited scope of review).

After a thorough review of the record and consideration of the arguments made by the parties, we conclude the district court did not abuse its discretion in denying relief. We therefore affirm the order of the district court denying the motion for a preliminary injunction.

All pending motions are denied as moot.

AFFIRMED.