

FILED

NOT FOR PUBLICATION

MAR 28 2011

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

SHINGLE SPRINGS BAND OF MIWOK
INDIANS,

Plaintiff - Appellee,

v.

CESAR CABALLERO,

Defendant - Appellant.

No. 10-17329

D.C. No. 2:08-cv-03133-JAM-
DAD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted March 8, 2011**

Before: FARRIS, LEAVY and BYBEE, Circuit Judges.

Cesar Caballero appeals the district court's grant of a request for preliminary injunctive relief against him. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm.

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

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Our sole inquiry is whether the district court abused its discretion in granting preliminary injunctive relief. *The Lands Council v. McNair*, 537 F.3d 981, 986 (9th Cir. 2008); *see Winter v. Natural Resources Defense Council*, 129 S. Ct. 365, 374 (2008) (listing factors for district court to consider); *Sports Form, Inc.*, 686 F.2d 750, 752-53 (9th Cir. 1982) (explaining limited scope of review). We conclude the district court did not abuse its discretion. Accordingly, we affirm the district court's order granting the preliminary injunction.

AFFIRMED.