

JAN 22 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PRISON LEGAL NEWS, a project of the
Human Rights Defense Center,

Plaintiff - Appellant,

v.

PAUL R. BABEU, individually and in his
official capacity as Sheriff of Pinal
County, Arizona; PINAL COUNTY,
ARIZONA; TONYA DELGADO, Sgt., in
her individual and official capacities;
ALYSSA ROMERO; LAURENDA
HENSLEY-SALISBERRY; CHERYL
MCBIRNIE; JOHN JOHNSTON;
LAUREN MCVICKER, Detention Aides,
in their individual capacities; LORETTA
VALDEZ; DALTON GAY; ERICA
CHAVEZ; DENA KELLY, in their
individual capacities; AMADO
MARTINEZ, Sgt., in his individual and
official capacities; LEONARD ARNOLD,
Sgt., in his individual and official
capacities; DAVID LINDERHOLM,
Training Specialist, in his individual and
official capacities; FRANCES HAWKINS,
Lt., in her individual and official
capacities; DENNIS RUSHING;

No. 13-15965

D.C. No. 2:11-cv-01761-GMS

MEMORANDUM*

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

MATTHEW HULL, Lt., in his individual and official capacities; DARREN RUSHING, Lt., in his individual and official capacities; VERNITA GANT, Lt., in her individual and official capacities; MICHELE MCNEELY, Lt., in her individual and official capacities; GILBERT HOYOS, Lt., in his individual and official capacities; TERRY JOHNSON, Captain, in his individual and official capacities; JAYME VALENZUELA, Captain, in his individual and official capacities; RUBEN MONTANO, Captain, in his individual and official capacities; JAMES KIMBLE, Deputy Chief, in his individual and official capacities,

Defendants - Appellees.

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, District Judge, Presiding

Argued and Submitted January 13, 2014
San Francisco, California

Before: ALARCÓN, TALLMAN, and IKUTA, Circuit Judges.

Prison Legal News appeals the district court's denial of its motion for a permanent injunction against the defendants, who operate the Pinal County Jail. Jurisdiction lies under 28 U.S.C. § 1292(a)(1) and we review for abuse of discretion. Cummings v. Connell, 316 F.3d 886, 897 (9th Cir. 2003). Finding none, we affirm.

“Perhaps the most significant single component in the judicial decision whether to exercise equity jurisdiction and grant permanent injunctive relief is the court's discretion.” Charles Alan Wright et al., 11A Fed. Pract. & Proc. § 2942 & n.3 (2d ed. 2013) (collecting cases). Here, the district court took the extraordinarily cautious step of seeking additional briefing and evidence on the motion before concluding that a permanent injunction was unnecessary. In light of this attention and the extraordinary deference we must show, we cannot find an abuse of discretion here.

AFFIRMED