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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>GOLDEN STATE BANK, a California Corporation,</p> <p style="text-align: center;">Plaintiff-Counter-Defendant -</p> <p>Appellee,</p> <p style="text-align: center;">v.</p> <p>FIRST-CITIZENS BANK & TRUST COMPANY, a North Carolina corporation,</p> <p style="text-align: center;">Defendant-Counter-Claimant -</p> <p>Appellant.</p>

No. 10-56388

D.C. No. 5:10-cv-00526-GW-OP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. Wu, District Judge, Presiding

Submitted January 11, 2011**

Before: BEEZER, TALLMAN and CALLAHAN, Circuit Judges.

First-Citizens Bank & Trust Company appeals from the district court’s order expunging a lis pendens and ordering that certain real property not be sold or

* 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).

encumbered without prior approval from the court or the arbitrator in the parties' pending arbitration proceedings. Having conducted a review of the record, and the briefing in this appeal, we conclude that the district court's order is not an order granting, modifying or denying a preliminary injunction. 28 U.S.C.A. § 1292(a)(1). Consequently, this interlocutory appeal is dismissed for lack of jurisdiction.

DISMISSED.