

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 11 2018

FOR THE NINTH CIRCUIT

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

JEREMY VAUGHN PINSON,

No. 18-16099

Plaintiff-Appellant,

D.C. No. 4:13-cv-02059-DCB

v.

MEMORANDUM*

UNKNOWN PARTY, John Doe #1, Special
Investigative Agent; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted December 5, 2018**

Before: SILVERMAN, GRABER, and GOULD, Circuit Judges.

Federal prisoner Jeremy Vaughn Pinson appeals pro se from the district court's order denying her motion for a preliminary injunction in her action under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), alleging deliberate indifference to her safety. We have jurisdiction

* 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).

under 28 U.S.C. § 1292(a)(1). We review for an abuse of discretion. *Am. Hotel & Lodging Ass'n v. City of Los Angeles*, 834 F.3d 958, 962 (9th Cir. 2016). We affirm.

The district court did not abuse its discretion by denying Pinson's motion for a preliminary injunction because Pinson failed to establish that such relief is warranted. *See Jackson v. City & County of San Francisco*, 746 F.3d 953, 958 (9th Cir. 2014) (plaintiff seeking preliminary injunction must establish that she is likely to succeed on the merits, she is likely to suffer irreparable harm in the absence of preliminary relief, the balance of equities tips in her favor, and an injunction is in the public interest).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Pinson's request for judicial notice, set forth in her opening brief, is denied as unnecessary.

AFFIRMED.