

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 27 2022

FOR THE NINTH CIRCUIT

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

JOSEPH M. ANDERSON,

No. 21-16549

Plaintiff-Appellant,

D.C. No. 3:18-cv-00426-MMD-
CLB

v.

JAMES DZURENDA; et al.,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the District of Nevada
Miranda M. Du, District Judge, Presiding

Submitted January 19, 2022**

Before: SILVERMAN, CLIFTON, and HURWITZ, Circuit Judges.

Joseph M. Anderson, a Nevada state prisoner, appeals pro se from the district court's order denying his motion for injunctive relief in his 42 U.S.C. § 1983 action alleging violations of his First Amendment right to free exercise of his religious beliefs. We have jurisdiction to determine our own 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).

Havensight Capital LLC v. Nike, Inc., 891 F.3d 1167, 1171 (9th Cir. 2018). We dismiss for lack of jurisdiction.

We lack jurisdiction to review the district court's order denying Anderson's successive motion for injunctive relief because this motion was based upon the identical factual circumstances already addressed by the district court in its order denying Anderson's prior motions for injunctive relief. *See Sierra On-Line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1418 n.4 (9th Cir. 1984) (denial of motion to reconsider a request for an injunction is appealable only if the motion is based on new matters that have occurred following the district court's initial order addressing the injunction); *see also Credit Suisse First Boston Corp. v. Grunwald*, 400 F.3d 1119, 1124 (9th Cir. 2005) (a motion that merely seeks to relitigate a request for injunctive relief that has already been decided is not a motion to modify an injunction for purposes of 28 U.S.C. § 1292(a)(1)).

DISMISSED.