

OCT 24 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PARK VILLAGE APARTMENT
TENANTS ASSOCIATION; et al.,

Plaintiffs - Appellees,

v.

MORTIMER HOWARD TRUST; et al.,

Defendants - Appellants.

No. 07-15382

D.C. No. CV-06-07389-SBA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Saundra B. Armstrong, District Judge, Presiding

Argued and Submitted October 16, 2007
San Francisco, California

Before: TROTT and N.R. SMITH, Circuit Judges, and SHADUR^{***}, Senior Judge.

This preliminary injunction appeal comes to us for review under Ninth Circuit Rule 3-3. 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 Honorable Milton I. Shadur, Senior United States District Judge for the Northern District of Illinois, sitting by designation.

We subject a district court’s order regarding preliminary injunctive relief only to limited review. *Walczak v. EPL Prolong, Inc.*, 198 F.3d 725, 730 (9th Cir. 1999). Our review of an order regarding a preliminary injunction “is much more limited than review of an order involving a permanent injunction, where all conclusions of law are freely reviewable.” *Id.* A decision regarding a preliminary injunction is reviewed for abuse of discretion, which occurs only if the district court based its decision on either an erroneous legal standard or clearly erroneous factual findings. *Id.*

The record before us shows that the district court did not rely on an erroneous legal premise or abuse its discretion in concluding that appellees demonstrated a likelihood of success on the merits and the threat of imminent irreparable harm. *Id.* at 731. The court’s factual findings and application of legal standards are not clearly erroneous. Accordingly, the court’s order granting the preliminary injunction is affirmed.¹

AFFIRMED.

¹ Complaints about the scope of the preliminary injunction, if any, should be made in the district court.