

OCT 24 2007

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

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

WAYMON HOBODY, JR.,

Plaintiff - Appellant,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT; ROY ROMER, General Superintendent of Schools; SUSAN SHANNON, Superintendent of District 2 of the Los Angeles Unified School District; MARIA OCHOA, Director of School Services of the Los Angeles Unified School District; KAREN O'RILEY, Principal of Maclay Middle School of the Los Angeles Unified School District; NAOMI SUENAKA, Coordinator of Office of Staff Relations of the Los Angeles Unified School District; ALVARO CORTES, Director of Local District 2 of Los Angeles Unified School District,

Defendants - Appellees.

No. 06-56304

D.C. No. CV-06-03319-GPS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

George P. Schiavelli, District Judge, Presiding

Submitted October 17, 2007**
Pasadena, California

Before: **KOZINSKI** and **McKEOWN**, Circuit Judges, and **JONES**,^{***}
District Judge.

We review the district court's denial of a motion for a preliminary injunction for abuse of discretion. Guam Fresh, Inc. v. Ada, 849 F.2d 436, 437 (9th Cir. 1988). The district court did not abuse its discretion in finding that Hobdy did not demonstrate a sufficient threat of irreparable injury. A preliminary injunction is not necessary to preserve the status quo as Hobdy has been out of the job for at least two years. The district court reasonably found that there was an insufficient showing of irreparable injury and thus a preliminary injunction would not prevent future irreparable injury. The district court did not abuse its discretion in finding that Hobdy has not demonstrated a sufficient likelihood of success on the merits, as he has not clearly demonstrated that other administrators who performed similarly

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

*** The Honorable Robert E. Jones, Senior United States District Judge for the District of Oregon, sitting by designation.

were treated differently, nor that any comment made to him was discriminatory on its face.

AFFIRMED.