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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JIMMY MAGEE,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>CHAVEZ, Correctional Officer; et al.,</p> <p>Defendants - Appellees.</p>

No. 08-17170

D.C. No. 1:05-cv-01563-OWW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted February 23, 2009**

Before: KOZINSKI, Chief Judge, HAWKINS and GOULD, Circuit Judges.

Upon review of the record and appellant’s opening brief, this court hereby
summarily affirms the district court’s order denying appellant’s motion for

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

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

preliminary injunctive relief. *See United States v. Hooton*, 693 F.2d 857 (9th Cir. 1982) (per curiam) (summary affirmance appropriate where result is clear from face of record).

All pending motions are denied as moot.

AFFIRMED.