

MAY 07 2009

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

NOT FOR PUBLICATION  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

**KB2S, INC., an Arkansas corporation  
qualified to do business in CA; KCW  
CONSULTING, INC., a California  
corporation,**

Plaintiffs - Appellants,

v.

**CITY OF SAN DIEGO, California,**

Defendant - Appellee.

No. 07-55225

D.C. No. CV-04-00441-BEN

**MEMORANDUM\***

Appeal from the United States District Court  
for the Southern District of California  
Roger T. Benitez, District Judge, Presiding

Argued and Submitted April 14, 2009  
Pasadena, California

Before: **KOZINSKI**, Chief Judge, **PREGERSON**, Circuit Judge, and  
**MILLS**,\*\* District Judge.

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

\*\* The Honorable Richard Mills, United States District Judge for the Central District of Illinois, sitting by designation.

Given the early stage of KB2S's proposed development, any injury that the City of San Diego caused to KB2S is too speculative to support standing for KB2S's claim under the Fair Housing Act. Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992).

**AFFIRMED.**