

2020 WL 6829562

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United States Court of Appeals, Ninth Circuit.

Darryl Lee DUNSMORE, Plaintiff-Appellant,
v.
STATE of California; et al., Defendants-Appellees.

No. 20-55942

|
SEPTEMBER 21, 2020

D.C. No. 3:20-cv-00406-AJB-WVG Southern District of
California, San Diego

Attorneys and Law Firms

Samuel Weiss, Rights Behind Bars, Washington, DC, for
Plaintiff-Appellant.

Before: O'SCANNLAIN, RAWLINSON, and
CHRISTEN, Circuit Judges.

ORDER

***1** A review of the record demonstrates that this court lacks jurisdiction over this appeal because the order challenged in the appeal is not final or appealable. *See* 28 U.S.C. § 1291; *WMX Techs., Inc. v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997) (en banc) (dismissal of complaint with leave to amend is not appealable); *Sims v. Falk*, 877 F.2d 31 (9th Cir. 1989) (order) (pre-trial order denying motion to hold opposing party in contempt is not a final order); *Religious Tech. Ctr. v. Scott*, 869 F.2d 1306 (9th Cir. 1989) (denial of temporary restraining order is appealable only if the denial is tantamount to the denial of a preliminary injunction); *Wilborn v. Escalderon*, 789 F.2d 1328 (9th Cir. 1986) (denial of appointment of counsel in civil case is not appealable). Consequently, this appeal is dismissed for lack of jurisdiction.

DISMISSED.

All Citations

Not Reported in Fed. Rptr., 2020 WL 6829562

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