

MAY 11 2005

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

COMITE DE JORNALEROS DE
REDONDO BEACH, an unincorporated
association; et al.,

Plaintiffs - Appellees,

v.

CITY OF REDONDO BEACH,

Defendant - Appellant.

No. 05-55094

D.C. No. CV-04-09396-CBM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Consuelo B. Marshall, Chief Judge, Presiding

Submitted May 9, 2005**

Before: PREGERSON, CANBY and THOMAS, Circuit Judges.

City of Redondo Beach (“City”) appeals the district court’s grant of a preliminary injunction in favor of the Comite de Jornaleros de Redondo Beach

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

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

(“Comite”), et al., in their 42 U.S.C. § 1983 complaint for declaratory and injunctive relief challenging Section 3-7.1601 of the City’s Municipal Code on First and Fourteenth Amendment grounds. The code section makes it unlawful for any person to stand on the street and solicit employment from an occupant of a motor vehicle, and for any person to stop or park a vehicle on a street from which any occupant of the vehicle attempts to hire another person for employment. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm.

Our review of an order denying a preliminary injunction is limited and deferential. *Southwest Voter Registration Educ. Project v. Shelley*, 344 F.3d 914, 918 (9th Cir. 2003) (en banc). The district court did not abuse its discretion in concluding that the Comite had standing to challenge the ordinance, nor in finding that there are serious issues going to the merits of this case, nor in its consideration of the balance of the hardships and the possibility of irreparable injury. *See Southwest Voter Registration Educ. Project*, 344 F.3d at 917-18.

AFFIRMED.¹

¹ Appellant’s request for judicial notice, filed March 3, 2005, is granted.