

701 Fed.Appx. 538 (Mem)

This case was not selected for publication in West's Federal Reporter.

See Fed. Rule of Appellate Procedure 32.1, generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 8th Cir. Rule 32.1A.

United States Court of Appeals, Eighth Circuit.

Vanessa DUNDON; Jade Kalikolehuaokal Wool;
Crystal Wilson; David Demo; Guy Dullknife, III;
Mariah Marie Bruce; Frank Finan; Israel
Hoagland-Lynn; Noah Michael Treanor, on behalf
of themselves and all similarly-situated persons
Plaintiffs-Appellants

v.

Kyle KIRCHMEIER; Morton County; City of
Mandan; Jason Ziegler; Stutsman County; Chad
Kaiser; Does 1-100 Defendants-Appellees
American Civil Liberties Union of North Dakota;
American Civil Liberties Union of South Dakota
Amici on Behalf of Appellant(s)

No. 17-1306

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Submitted: October 18, 2017

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Filed: November 14, 2017

Appeal from United States District Court for the District
of North Dakota—Bismarck

Attorneys and Law Firms

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Defendants-Appellees

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Falls, SD, for Amici on Behalf of Appellant(s) American
Civil Liberties Union of North Dakota, American Civil
Liberties Union of South Dakota

Before WOLLMAN, BEAM, and SHEPHERD, Circuit
Judges.

[Unpublished]

PER CURIAM.

Appellants appeal the district court's¹ denial of their motion for a preliminary injunction, wherein they sought an order prohibiting the appellees from using excessive force in responding to pipeline protests and prayer ceremonies. We have carefully reviewed the record and the parties' arguments on appeal, and have ensured that this dispute was not rendered moot by the completion of any portion of the Dakota Access Pipeline in North Dakota. We likewise have thoroughly reviewed the district court's analysis of the Dataphase factors in its well-reasoned opinion and find no abuse of discretion in the court's denial of injunctive relief. The judgment is affirmed. See 8th Cir. R. 47B; see also Dataphase Sys., Inc. v. CL Sys., Inc., 640 F.2d 109, 114 (8th Cir. 1981) (setting out factors court must weigh to determine whether to grant or deny a preliminary injunction); Coyne's & Co., Inc. v. Enesco, LLC, 553 F.3d 1128, 1131 (8th Cir. 2009) (standard of review).

All Citations

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Footnotes

¹ The Honorable Daniel L. Hovland, Chief Judge, United States District Court for the District of North Dakota.

