
Submitted: September 13, 1996

Filed: October 4, 1996

Before McMILLIAN, MAGILL, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

The plaintiffs appeal from the denial of a preliminary injunction against the Arkansas Activities Association, its executive director, and the members of its executive committee. After a two-day hearing, the district court¹ denied a motion for preliminary injunctive relief that would have allowed two school districts to participate in the AAA classification for athletic competition.

In determining whether to issue a preliminary injunction, a district court must consider "(1) the threat of irreparable harm to the movant; (2) the state of balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that [the] movant will succeed on the merits; and (4) the public interest." Dataphase Systems, Inc. v. CL Systems, Inc., 640 F.2d 109, 114 (8th Cir. 1981) (en banc). Our review of the district court's action in this case is for "an abuse of discretion or misplaced reliance on an erroneous legal premise." Modern Computer Systems, Inc. v. Modern Banking Systems, Inc., 871 F.2d 734, 737 (8th Cir. 1989) (en banc).

We have read all of the materials submitted by the parties, including the transcript of the hearing, and have considered the

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.

arguments made. We grant the motion to supplement the appendix. We conclude that the district court committed no error in applying the Dataphase considerations to the case at hand and therefore affirm the order denying a preliminary injunction. We remand the case for further proceedings. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.