

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-13860

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JAN 30, 2009 THOMAS K. KAHN CLERK

D.C. Docket No. 08-00136-CV-3-RV/EMT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PINNACLE QUEST INTERNATIONAL, INC.,
SYNERGY PRODUCTIONS INTERNATIONAL, INC.
CLAUDIA HIRMER, DOVER PERRY,

Defendants-Appellants,

MDC PRODUCTIONS, et al.,

Defendants.

Appeal from the United States District Court
for the Northern District of Florida

(January 30, 2009)

Before HULL, WILSON and HILL, Circuit Judges.

PER CURIAM:

After review and oral argument, the court concludes that appellants Pinnacle Quest International, Inc., et al., have not shown that the district court abused its discretion in granting a preliminary injunction as set forth in its order dated May 15, 2008. Appellants also have not shown that the district court's order violates the First Amendment; rather, the order affects commercial speech that by substantial evidence is shown to be false and deceptive and promotes illegal activity.¹ See *United States v. Schulz*, 517 F.3d 606 (2d Cir. 2008); *United States v. Bell*, 414 F.3d 474 (3d Cir. 2005); *United States v. Gleason*, 432 F.3d 678 (6th Cir. 2005); *United States v. Raymond*, 228 F.3d 804 (7th Cir. 2000); *United States v. Estate Preserv. Serv.*, 202 F.3d 1093 (9th Cir. 2000); *United States v. Kaun*, 827 F.2d 1144 (7th Cir. 1987).

AFFIRMED.

¹ In an order dated August 8, 2008, the district court granted in part the appellants' request to stay the preliminary injunction until it rendered a final judgment in the case. There was no cross-appeal of this stay. In any event, having affirmed the district court's preliminary injunction, we leave it to the district court to determine in the first instance whether to revise the stay.