

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6796

CHARLES M. CASSELL, III,

Plaintiff - Appellant,

versus

DOCTOR JAGUST; DOCTOR MICHALAS,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:06-ct-03025-BO)

Submitted: October 4, 2006

Decided: October 18, 2006

Before NIEMEYER, TRAXLER, and SHEDD, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Charles M. Cassell, III, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Charles Cassell, III, seeks to appeal the district court's order denying his motion for "a temporary restraining order and/or a preliminary injunction" in his civil action under 42 U.S.C. § 1983 (2000). This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The portion of the order denying a temporary restraining order is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss that aspect of the appeal for lack of jurisdiction.

On the other hand, the district court's denial of a request for a preliminary injunction is immediately appealable. 28 U.S.C. § 1292(a)(1) (2000). With respect to the district court's denial of Cassell's motion for a preliminary injunction,* we have reviewed the record and find no reversible error. Accordingly, we affirm this portion of the appeal for the reasons stated by the district court. Cassell v. Jagust, No. 5:06-ct-03025-BO (E.D.N.C. Apr. 12, 2006). We also deny all of Cassell's pending motions for general relief in this court. We dispense with oral argument

*The district court's written order denied only Cassell's motion for a temporary restraining order. However, the district court's docket sheet indicates the court denied both a temporary restraining order and a preliminary injunction. Cassell appealed from both denials.

because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED IN PART;
AFFIRMED IN PART