

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6839

MICHAEL RANKINS,

Plaintiff - Appellant,

versus

DENNIS ROWLAND; MICHAEL A. MUNNS; RICHARD T. JONES; BOBBY MONTAGUE; J. A. REID; SHARON SNIDER; NURSE CRAIG,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, Chief District Judge. (5:05-ct-00621-FL)

Submitted: August 14, 2006

Decided: August 29, 2006

Before MICHAEL and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Michael Rankins, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Rankins appealed the district court's order granting his pro se motion to reconsider the dismissal of two defendants, denying his motion for preliminary injunctive relief, denying his motion to reconsider dismissal of one defendant, denying his motion for appointment of counsel, and ordering him to particularize his claims against some defendants in his § 1983 action. In his action, Rankins sought compensatory and punitive money damages, declarative relief, a temporary restraining order, and preliminary injunctive relief. While we grant Rankins leave to proceed without prepayment of fees under the PLRA, we dismiss this appeal.

As in his previous appeal before this panel, Rankins v. Rowland, No. 05-7811, 2006 WL 1836671 (4th Cir. June 27, 2006) (unpublished), Rankins alleged the ventilation system of the "H-Con Supermax Unit" in which he was housed at the Butner Correctional Facility was inadequate because the air contained dust and lint particles that caused him to have burning eyes, to cough excessively, and to cough up mucus mixed with blood. He alleged in his complaint that his grievances were denied in June and July 2005 and that his medical treatment for the cough, chest pain, stomach pain, vomiting, and blood in his stool was inadequate. He also claimed he was denied exercise.

Rankins is now incarcerated in Central Prison in Raleigh, North Carolina, so his claims for a temporary restraining order and injunctive relief are now moot, and we dismiss the appeal as to those claims for that reason. Though Rankins does not complain on appeal about the district court's disposition of his claims for damages (which are not mooted by his transfer) based upon inadequate medical care and harm from the alleged inadequate ventilation system at Butner, his appeal as to those claims is interlocutory. The district court ordered Rankins to particularize those claims, so the court's order is not a final, appealable order in that respect. For these reasons, we dismiss Rankins' appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED