

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6540

RODNEY MOUCELL JONES,

Petitioner - Appellant,

v.

ALVIN WILLIAM KELLER, JR., Secretary of the Department of
Public Safety,

Respondent - Appellee.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Robert J. Conrad,
Jr., District Judge. (1:12-cv-00304-RJC)

Submitted: August 29, 2013

Decided: September 4, 2013

Before DUNCAN, AGEE, and KEENAN, Circuit Judges.

Dismissed in part and affirmed in part by unpublished per curiam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

Rodney Moucell Jones, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodney Moucell Jones seeks to appeal the district court's order denying his motions for appointment of counsel and for a temporary restraining order and/or preliminary injunction filed in his 28 U.S.C. § 2254 (2006) proceedings. To the extent that Jones seeks to appeal the district court's denial of a temporary restraining order, the denial is not appealable on the circumstances of this case. See Virginia v. Tenneco, Inc., 538 F.2d 1026, 1029-30 (4th Cir. 1976). His appeal of the denial of his motion for appointment of counsel is likewise interlocutory. To the extent that he also sought a preliminary injunction, we have reviewed the record and conclude that the district court's denial of any such request was not an abuse of its discretion. Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 22 (2008); Dewhurst v. Century Aluminum Co., 649 F.3d 287, 290 (4th Cir. 2011).

Accordingly, we dismiss the appeal as to the request for a temporary restraining order and appointment of counsel, and otherwise affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED IN PART;
AFFIRMED IN PART