

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7880

KENNETH VALENTINE AWE,

Plaintiff - Appellant,

v.

DR. MILLER, ROSP M.D.,

Defendant - Appellee,

and

HAROLD CLARKE, VDOC Director; RANDLE MATHENA, ROSP Warden,

Defendants.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Jackson L. Kiser, Senior
District Judge. (7:13-cv-00143-JLK-RSB)

Submitted: January 23, 2014

Decided: January 28, 2014

Before WILKINSON and DIAZ, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Kenneth V. Awe, Appellant Pro Se. William Francis Demarest, III,
Mary Moffett Hutcheson Priddy, GOODMAN, ALLEN & FILETTI, Glen
Allen, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenneth V. Awe appeals the district court's order denying his motion seeking a preliminary injunction to require the Virginia Department of Corrections to authorize photocopying loans.¹ On appeal, Awe correctly notes that the district court appears to have misconstrued his request as one for free photocopies, rather than authorization for additional photocopying loans on his inmate trust account. He also correctly notes that, insofar as he may seek to copy medical records, such records could not be effectively copied by hand, as suggested by the court. Nevertheless, we conclude that the court did not abuse its discretion in denying Awe's motion, as the motion failed to make any showing of the requirements for preliminary injunctive relief. See Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008) (required showing for preliminary injunction); Dewhurst v. Century Aluminum Co., 649 F.3d 287, 290 (4th Cir. 2011) (standard of review). Accordingly, we affirm the district court's order.² We dispense

¹ Although interlocutory, this order is immediately appealable pursuant to 28 U.S.C. § 1292(a)(1) (2012).

² While Awe's appellate briefs address the merits of his underlying deliberate indifference claim, that issue is not properly before us, as the district court has not yet issued a ruling on the claim, and its merits are not relevant to the order appealed.

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.

AFFIRMED