

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6240

STEPHEN MARK HAUSE,

Plaintiff - Appellant,

v.

DR. MILES, LCDC Physician; MAJOR JONES, LCDC Supt; THE
LEXINGTON COUNTY DETENTION CENTER, in their individual
and/or official capacities; CORRECT CARE SOLUTIONS,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. Richard M. Gergel, District Judge.
(9:13-cv-01271-RMG-BM)

Submitted: June 26, 2014

Decided: July 15, 2014

Before SHEDD, WYNN, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Stephen Mark Hause, Appellant Pro Se. Mark Victor Gende, John
Earle Tyler, SWEENEY, WINGATE & BARROW, PA, Columbia, South
Carolina; Justin Tyler Bagwell, DAVIDSON & LINDEMANN, PA,
Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stephen Mark Hause appeals from the magistrate judge's text orders denying his motions for a preliminary injunction and for the appointment of an expert. He also moves for injunctive relief on appeal. His civil proceeding is still pending in district court. We dismiss.

An order denying a preliminary injunction is an immediately appealable interlocutory order. 28 U.S.C. § 1292(a)(1) (2012). However, during the pendency of this appeal, Hause was released from custody. Claims for injunctive relief become moot when a prisoner is no longer subjected to the conditions about which he complains. Williams v. Griffin, 952 F.2d 820, 823 (4th Cir. 1991). Therefore, Hause's appeal of the district court's denial of preliminary injunctive relief is moot.

As to Hause's appeal of the magistrate judge's denial of his motion for an expert, we may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545 (1949). "[A]n order is final if it ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." Penn-Am. Ins. Co. v. Mapp, 521 F.3d 290, 294 (4th Cir. 2008) (internal citations and quotations

omitted). This litigation remains pending in the district court. Thus, the district court's order denying the motion for an expert is neither a final order nor an appealable interlocutory or collateral order. See id. at 294-95. Accordingly, this portion of the appeal is dismissed as interlocutory.

Based on the foregoing, we dismiss Hause's appeal and deny his motion for injunctive relief pending 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