

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 4, 2013

Lyle W. Cayce
Clerk

No. 12-40145
Summary Calendar

DAVID RASHEED ALI,

Plaintiff-Appellant

v.

NATHANIEL QUARTERMAN; RICK THALER, DIRECTOR, TEXAS
DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS
DIVISION,

Defendants-Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:09-CV-52

Before SMITH, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:*

David Rasheed Ali, Texas prisoner # 1077767, appeals from the district court's denial of the motion for temporary restraining order that he filed in this civil rights action. He also moves this court for an expedited appeal or, alternatively, for the appointment of counsel.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 12-40145

This court must examine the basis of its jurisdiction sua sponte if necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Because Ali seeks to appeal the denial of a temporary restraining order, we lack jurisdiction to entertain the appeal. *See Faulder v. Johnson*, 178 F.3d 741, 742 (5th Cir. 1999); *In re Lieb*, 915 F.2d 180, 183 (5th Cir. 1990).

The district court is reminded of this court's prior directive that, on remand, it should reexamine Ali's motion for preliminary injunctive relief, filed in March 2009, as that motion concerns his claim challenging, pursuant to the Religious Land Use and Institutionalized Persons Act of 2000, the grooming policy of the Texas Department of Criminal Justice. *See Ali v. Quarterman*, 434 F. App'x 322, 326 (5th Cir. 2011).

APPEAL DISMISSED; MOTION DENIED.