

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

No. 15-20419

United States Court of Appeals
Fifth Circuit

FILED

March 7, 2017

Lyle W. Cayce
Clerk

RAYMOND EARL CARR,

Petitioner - Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

Appeals from the United States District Court
for the Southern District of Texas

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:

Raymond Earl Carr filed a section 2254 petition for writ of habeas corpus challenging his 2013 robbery conviction, the revocation of his release on an earlier burglary conviction, and a disciplinary conviction he received in prison. Carr also sought a preliminary injunction ordering that Texas Department of Criminal Justice guards be barred from filing false disciplinary charges against him.

The district court denied Carr's motion for a preliminary injunction on the grounds that Carr could not show either a likelihood of success on the merits or irreparable harm. Carr filed this appeal challenging that denial.

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While this appeal was pending, the district court granted summary judgment in favor of defendants. Among the claims dismissed with prejudice was Carr's request for a permanent injunction, which sought the same equitable relief as his request for a preliminary injunction. Carr has filed a separate appeal challenging that final judgment.

The entry of a final judgment on a request for permanent injunctive relief renders moot any appeal of an order ruling on a temporary request for the same relief. *La. World Exposition, Inc. v. Logue*, 746 F.2d 1033, 1038 (5th Cir. 1984); *see also Johnson v. Thaler*, 459 F. App'x 448, 448–49 (5th Cir. 2012) (dismissing as moot a prisoner's appeal of the denial of a preliminary injunction because the district court had since entered a final judgment dismissing prisoner's habeas claim, including a request for permanent injunctive relief). That is because the ruling on the request for temporary relief, which involves a guess about how the district court will ultimately rule on the merits, has no effect once the district court has made its final ruling.

Because we lack jurisdiction to decide moot questions, *McRae v. Hogan*, 576 F.2d 615, 617 (5th Cir. 1978), Carr's appeal challenging the denial of his preliminary injunction is DISMISSED. Carr's incorporated motions related to this appeal are DENIED. Carr's separate appeal of the final judgment entered against him will be considered by another panel.