

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 26, 2014

Elisabeth A. Shumaker
Clerk of Court

M. JULIA HOOK,

Petitioner,

v.

LNV CORPORATION; UNITED
STATES OF AMERICA,

Respondents.

No. 14-702
(D.C. No. 1:14-CV-00955-RM-CBS)

ORDER

Before **TYMKOVICH, GORSUCH, and MATHESON**, Circuit Judges.

This matter is before the Court for consideration of Petitioner M. Julia Hook's Fed. R. App. P. 5 Emergency Petition for Permission to Appeal, the response thereto filed by the United States, and Ms. Hook's reply. After careful review of the petition, response, and reply, the petition is denied for the following reasons.

Petitioner seeks permission to appeal the district court's order denying her motion for a temporary restraining order and/or preliminary injunction. However, as Petitioner points out in her petition, orders denying injunctive relief are immediately appealable under 28 U.S.C. § 1292(a)(1). Thus, permission to appeal pursuant to Fed. R. App. P. 5 is neither necessary nor appropriate under the circumstances.

The Court also denies, as unnecessary, Ms. Hook's request (made in her reply) for leave to file a notice of appeal within ten days of the Court's denial of her Fed. R. App. P. 5 petition. Fed. R. App. P. 4(a)(1)(B) provides 60 days from the district court's denial of her motion for injunctive relief for Ms. Hook to file her notice of appeal.

Entered for the Court,

ELISABETH A. SHUMAKER, Clerk



by: Chris Wolpert
Chief Deputy Clerk