

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-10877  
Conference Calendar

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LARRY KANE JOHNSON,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE, INSTITUTIONAL DIVISION; JOHN  
GILBERT, Regional Director; DOYLE MCELVANEY, Warden,  
Head Warden; EMILY L. BOND; Assistant Warden;  
GREGORY OLIVER, Major; R. PERSON, Food Service Manager,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:00-CV-74-C  
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December 13, 2000

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:\*

Larry Kane Johnson, Texas prisoner number 577737, appeals from the district court's denial of his motion for temporary restraining order and preliminary injunction. To the extent that Johnson's motion asked for a temporary restraining order, we lack appellate jurisdiction to review the district court's order. See Faulder v. Johnson, 178 F.3d 741, 742 (5th Cir.), cert. denied, 527 U.S. 1018 (1999) . To the extent that Johnson sought a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

preliminary injunction, we review the magistrate judge's order for abuse of discretion. See White v. Carlucci, 862 F.2d 1209, 1211 (5th Cir. 1989).

Johnson argues that he adequately proved an irreparable injury because the denial of constitutional rights is an irreparable injury as a matter of law. Johnson's allegation that he was denied one meal during his religious observation of Ramadan fails to show that his injury was occurring at the time he sought relief or that his rights to religious observation in the future are sufficiently threatened to warrant a preliminary injunction. See Elrod v. Burns, 427 U.S. 347, 374 (1975) (preliminary injunction may be appropriate because injury was both threatened and occurring at time respondent sought relief).

AFFIRMED.