

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-31160
Conference Calendar

MICHAEL PAUL ZIHLAVSKY,

Plaintiff-Appellant,

versus

RICHARD L. STALDER; BURL CAIN;
PAT TRUETT; ROBERT BARNES,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 00-CV-338

August 22, 2001

Before KING, Chief Judge, and POLITZ and PARKER, Circuit Judges.

PER CURIAM:*

Michael P. Zihlavsky, a Louisiana prisoner (# 309324), appeals the district court's interlocutory order in which the court denied Zihlavsky's motion for a temporary restraining order ("TRO") and a preliminary injunction.

This court must sua sponte examine the basis of its jurisdiction, even if not raised by the parties. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). We lack jurisdiction to review the denial of Zihlavsky's motion for a TRO. See Matter

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of Lieb, 915 F.2d 180, 183 (5th Cir. 1990); see also 28 U.S.C. § 1292. The denial of his request for a preliminary injunction was not an abuse of discretion. Black Fire Fighters Ass'n v. City of Dallas, 905 F.2d 63, 65 (5th Cir. 1990).

Zihlavsky's appeal from the denial of his motion for a TRO is DISMISSED FOR LACK OF JURISDICTION. The denial of his motion for a preliminary injunction is AFFIRMED.