

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20890
Conference Calendar

HENRY SKINNER,

Plaintiff-Appellant,

versus

STEVE CAREY STAPLES; KENT
RAMSEY; M.B. THALER; WAYNE
BREWER; MICHAEL O'DWYER;
JOHN WAYNE LANNINGHAM, JR.;
PATRICK LEEDY; DANIEL HERBRICH;
CURT JARRY; JAMES CONNORS;
THOMAS WAYNE CLARK; WARREN WORTHY;
GARY L. JOHNSON, DIRECTOR, TEXAS
DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION; RYAN DEMERY,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-99-CV-603
- - - - -

April 14, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Henry Skinner, Texas prisoner # 999143, appeals from the district court's order denying his motion for a preliminary injunction. Skinner contends that he has shown a substantial likelihood of success on the merits, an irreparable injury if a

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 is not issued, a threatened injury that outweighs any damage to the appellees, and that the public interest would be served by a preliminary injunction.

An order which explicitly denies injunctive relief is immediately appealable as of right. Sherri A.D. v. Kirby, 975 F.2d 193, 203 (5th Cir. 1992). This court reviews a district court's denial of a preliminary injunction for abuse of discretion. Lakedreams v. Taylor, 932 F.2d 1103, 1107 (5th Cir. 1991). The decision to deny a preliminary injunction will be reversed by this court "only under extraordinary circumstances." White v. Carlucci, 862 F.2d 1209, 1211 (5th Cir. 1989).

At this preliminary stage of the proceeding, Skinner has failed to carry his "heavy burden" of showing that he will likely prevail on the merits. Enterprise Int'l v. Corporacion Estatal Petrolera Ecuatoriana, 762 F.2d 464, 472 (5th Cir. 1985). Accordingly, the judgment of the district court is AFFIRMED.