

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-40857  
Conference Calendar

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KENNETH MARSHALL JOHNSON,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE, INSTITUTIONAL DIVISION;  
THOMAS PRASIFKA, Warden; ERNEST GARCIA, Captain,  
Correctional Officer III #371072,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. V-99-CV-2  
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April 12, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

Kenneth Marshall Johnson, Texas inmate #688601, appeals the district court's order denying Johnson's motion for a restraining order, which the district court construed as a motion seeking a preliminary injunction.

In arguing that the district court erred, Johnson alleges acts by the defendants which Johnson failed to raise in the district court. Those allegations are not properly before us and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

thus are not considered. See Williams v. Cigna Fin. Advisors, Inc., 56 F.3d 656, 661 (5th Cir. 1995).

We have carefully reviewed the appellate record and Johnson's arguments. Johnson has not remotely satisfied any of the prerequisites for a preliminary injunction. See Sunbeam Rods., Inc. v. West Bend Co., 123 F.3d 246, 250 (5th Cir. 1997). The district court did not abuse its discretion in denying the preliminary injunction. See id. at 261.

IT IS ORDERED that Johnson's motion seeking injunctive relief from this court is DENIED.

AFFIRMED. MOTION DENIED.