

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-30364
Conference Calendar

KARSTON KEELEN,

Plaintiff-Appellant,

versus

BURL CAIN,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 01-CV-332-D

October 29, 2002

Before DeMOSS, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Karston Keelen ("Keelen"), Louisiana state prisoner #125690, filed a 42 U.S.C. § 1983 complaint alleging that he was denied protective custody. Keelen filed this interlocutory appeal from the denial of his motion for a temporary restraining order ("TRO") and preliminary injunction. This court lacks jurisdiction over the denial of an application for a TRO. See Faulder v. Johnson, 178 F.3d 741, 742 (5th Cir. 1999). However, the denial of a motion for a preliminary injunction is an

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

immediately appealable interlocutory order. See 28 U.S.C. § 1292(a)(1). This court will not address Keelen's appeal from the denial of his motion for the appointment of counsel because this court previously dismissed Keelen's appeal.

The district court did not abuse its discretion in denying a preliminary injunction because Keelen has failed to demonstrate a substantial likelihood that he will prevail on the merits of his claims. See Farmer v. Brennan, 511 U.S. 825, 837 (1994); Women's Med. Ctr. v. Bell, 248 F.3d 411, 419 n.15 (5th Cir. 2001).

Accordingly, the appeal from the district court's denial of a TRO is DISMISSED FOR LACK OF JURISDICTION. The district court's denial of injunctive relief is AFFIRMED.