

May 23, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-30805
Summary Calendar

THOMAS LOUIS PHILLIPS,

Plaintiff-Appellant,

versus

RICHARD L. STALDER; BURL CAIN; DERREN BORDELON; M. ALLEN; UNKNOWN
LEMARTANIER; DONALD DAVIS; UNKNOWN ROSS; UNKNOWN ROWE; UNKNOWN
FREGERSON; UNKNOWN GROOM; UNKNOWN TARVAR; UNKNOWN HAND, Doctor;
MARY O'NEAL; PAT TRUETT; DWAYNE MCFATTER; K. DAVIS; UNKNOWN
ELLIOT, Sergeant; ROSA STEPHENS; UNKNOWN RODESTA; FRED ALLEN;
UNKNOWN MCKEY; UNKNOWN JEANSONE; UNKNOWN WHITE; UNKNOWN HOLMES;
DORA RABALAIS; AMERICAN CORRECTIONS ASSOCIATION

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 01-CV-782-D-M1

Before JONES, DUHÉ, and CLEMENT, Circuit Judges.

PER CURIAM:¹

Thomas Louis Phillips filed suit alleging a range of complaints related to his incarceration. Here, he appeals the denial of his request for pre-trial relief, especially as related to his work assignment and the prison's grooming requirements.

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

This court does not have appellate jurisdiction over the denial of an application for a temporary restraining order because it does not qualify as an "injunction" under § 1292(a)(1). Faulder v. Johnson, 178 F.3d 741, 741 (5th Cir. 1999); In re Lieb, 915 F.2d 180, 183 (5th Cir. 1990). Further, the district court did not deny the preliminary injunction; it merely referred it to be handled at trial. The district court's decision in this case to defer a ruling on the preliminary injunction until trial was properly within its discretion. Hence, the district court's ruling is AFFIRMED.