

September 9, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 03-40467
Summary Calendar

GREGORY EDWARD GUNTER,

Petitioner-Appellant,

versus

DOUGLAS DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, INSTITUTIONAL DIVISION,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:02-CV-131

Before HIGGINBOTHAM, EMILIO M. GARZA and PRADO, Circuit Judges.

PER CURIAM:*

Gregory Edward Gunter, Texas prisoner # 589198, has moved for a certificate of appealability ("COA") in order to appeal the district court's interlocutory order denying his applications for injunctions. See 28 U.S.C. § 1292(a)(1). Incorporated in Gunter's COA brief is a motion seeking injunctive relief from this court.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court's order denying Gunter's application for a temporary restraining order is not appealable. Matter of Lieb, 915 F.2d 1180, 183 (5th Cir. 1987). Gunter has failed to establish in the district court that there existed a substantial threat of irreparable harm, which is required to obtain an injunction. See Lakedreams v. Taylor, 932 F.2d 1103, 1107 (5th Cir. 1991). Accordingly, Gunter's COA application is DENIED, to the extent that one is required under 28 U.S.C. § 2253(c)(1)(A), see Slack v. McDaniel, 529 U.S. 473, 484 (2000), and the district court's interlocutory order denying Gunter's application for a preliminary injunction is AFFIRMED. Gunter's motion in this court for a preliminary injunction is also DENIED.