

October 23, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-60218  
Summary Calendar

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RICHARD MERLE SWITZER,

Plaintiff-Appellant,

versus

ROBERT L. JOHNSON, COMMISSIONER, MISSISSIPPI DEPARTMENT OF  
CORRECTIONS; DAVID C. TURNER, Southern Mississippi Correctional  
Institute, Superintendent; MARK H. BOUNDS, VoTech Director; MAX  
S. BUSBY,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 2:02-CV-144-BrS  
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Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:\*

Richard Merle Switzer ("Switzer"), Mississippi prisoner #47818, appeals the district court's denial of his motion for a temporary restraining order and preliminary injunction. Switzer alleges that his legal papers were damaged during a shakedown of his unit and argues that he is entitled to injunctive relief prohibiting the damaging of his legal property and retaliation against him by prison officials.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We lack jurisdiction over an appeal from the denial of a temporary restraining order. Faulder v. Johnson, 178 F.3d 741, 742 (5th Cir. 1999). As Switzer has made only speculative allegations that he faces a substantial threat of irreparable harm, the district court did not abuse its discretion by denying his motion for a preliminary injunction. See Holland America Ins. Co. v. Succession of Roy, 777 F.2d 992, 997 (5th Cir. 1985). Accordingly, Switzer's appeal from the denial of his request for a temporary restraining order is DISMISSED, and the district court's denial of his motion for a preliminary injunction is AFFIRMED. Switzer's motion for appointment of counsel is DENIED.