

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 2, 2012

Lyle W. Cayce
Clerk

No. 11-10368
Summary Calendar

R. WAYNE JOHNSON,

Petitioner-Appellant

v.

RICK THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:10-CV-6

Before HIGGINBOTHAM, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

R. Wayne Johnson, Texas prisoner # 282756, filed a 28 U.S.C. § 2254 application challenging his 2009 disciplinary conviction of possessing contraband. He appeals the district court's denial of the second motion for a preliminary injunction he filed in conjunction with that application.

Interlocutory orders denying preliminary injunctions are immediately appealable as an exception to the final-judgment rule. 28 U.S.C. § 1292(a)(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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

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Lakedreams v. Taylor, 932 F.2d 1103, 1107 (5th Cir. 1991). However, during the pendency of Johnson's appeal, the district court entered a final judgment dismissing Johnson's underlying habeas claims. Those claims included a request for permanent injunctive relief. The entry of a final judgment regarding permanent injunctive relief renders any order regarding temporary injunctive relief moot. *Louisiana World Exposition, Inc. v. Logue*, 746 F. 2d 1033, 1038 (5th Cir. 1984). This court lacks jurisdiction to decide moot questions or issues that cannot affect the rights of the parties before it. *McRae v. Hogan*, 576 F.2d 615, 617 (5th Cir. 1978). Accordingly, Johnson's appeal, which challenges only the denial of preliminary injunctive relief, is DISMISSED for lack of jurisdiction. Johnson's incorporated motion to expedite his appeal is DENIED.