

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

United States Court of Appeals
Fifth Circuit

FILED

February 23, 2012

Lyle W. Cayce
Clerk

No. 11-20152
Summary Calendar

NIKITA VAN GOFFNEY,

Plaintiff-Appellant

v.

J. SAUCEDA; C. DAVIDSON; T. TAYLOR; J. EVERITT; G. HARDAY;
SERGEANT M. HOLT; J. FERRARO; T. PITZER; G. HARDAGE; COUNTY OF
MONTGOMERY; MICHAEL MCDUGAL; JIM PREWITT; CITY OF CONROE,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:02-CV-2638

Before GARZA, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:*

Nikita Van Goffney, Texas prisoner # 1582354, moves for appointment of counsel and production of transcripts at government expense on appeal from the district court's denial of his motion for a temporary injunction and a temporary restraining order (TRO).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-20152

This court must examine the basis of its jurisdiction sua sponte if necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). First, to the extent Goffney seeks to appeal the denial of a TRO, we lack jurisdiction to entertain the appeal. *See In re Lieb*, 915 F.2d 180, 183 (5th Cir. 1990). Second, Goffney seeks only to enjoin the state appellate process regarding a conviction that occurred after the events giving rise to his underlying 42 U.S.C. § 1983 action. That state court appellate process is complete, and there is nothing to be enjoined. We cannot grant Goffney a remedy, and his appeal is moot. *See In re Blast Energy Servs., Inc.*, 593 F.3d 418, 423 (5th Cir. 2010).

APPEAL DISMISSED; MOTIONS DENIED.