

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

United States Court of Appeals
Fifth Circuit

FILED

September 28, 2012

No. 11-20749
Summary Calendar

Lyle W. Cayce
Clerk

BUBBA L. WILLIAMS,

Plaintiff-Appellant

v.

Lieutenant J. MARTIN; Major D. CROWLEY; Captain E. MCWHORTERS;
Warden B. LEWIS; PSC J. WANG; G. THOMPSON; LVN S. MARTIN;
STEPHEN MARTIN; B. CARDOZA; G. PREECE; J. HEIL; Lieutenant B.
CASTLEBERRY; T. RUSSELL; Warden C. T. O'REILLY; N. ISSAC; Warden G.
OLIVER; Lieutenant G. SPURLOCK,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:09-CV-4124

Before KING, CLEMENT, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Bubba L. Williams, Texas prisoner # 471333, appeals the partial summary judgment dismissal of his 42 U.S.C. § 1983 claims against Stephen Martin and J. Wang and the denial of his motions to amend his complaint, motions related to discovery, motion for a temporary restraining order (TRO), and motion for a preliminary injunction. “This Court must examine the basis of its jurisdiction,

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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on its own motion, if necessary.” *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Williams’s claims against the remaining defendants are pending in the district court; we therefore lack jurisdiction over Williams’s appeal of the dismissal of Martin and Wang and the denial of his motions to amend his complaint and his discovery motions. *See* 28 U.S.C. §§ 1291, 1292(a),(b); FED. R. CIV. P. 54(b). In addition, the district court’s denial of Williams’s motion for a TRO is not appealable. *See In re Lieb*, 915 F.2d 180, 183 (5th Cir. 1990). Finally, we affirm the denial of Williams’s motion for a preliminary injunction because he has not made the required showing. *See Texas Midstream Gas Servs., LLC v. City of Grand Prairie*, 608 F.3d 200, 206 (5th Cir. 2010).

APPEAL DISMISSED IN PART; JUDGMENT AFFIRMED IN PART;
MOTION FOR THE APPOINTMENT OF COUNSEL DENIED.