

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 4, 2022

Lyle W. Cayce
Clerk

No. 20-40205
Summary Calendar

LAROY JAMES TINDLE,

Plaintiff—Appellant,

versus

LATINA BLAIR; NANCY A. EDENS, *Physician's Assistant - UTMB*;
PAUL W. SHRODE, *Medical Doctor - UTMB*; KAREN PAGE, *Licensed
Vocational Nurse*; REBECCA M. COX, *Grievance Director*,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:19-CV-95

Before OWEN, *Chief Judge*, and SMITH and ELROD, *Circuit Judges*.

PER CURIAM:*

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

Laroy James Tindle, Texas prisoner # 1966673 or 2144689¹, appeals the district court's order dismissing his claims against appellees Blair, Page, Shrode, the other defendants, and striking his motion for a preliminary injunction in this civil rights action filed under 42 U.S.C. § 1983. The district court's order did not dispose of all of Tindle's § 1983 claims because some claims remain against Dr. Shrode. The district court did not certify the order as a final judgment under Federal Rule of Civil Procedure 54(b) or as appealable under 28 U.S.C. § 1292(b). The district court's interlocutory order is not appealable under § 1292(a)(1) because the district court did not deny Tindle's motion for a temporary restraining order or preliminary injunction on the merits but ordered it stricken because Tindle did not sign the motion. Because there is no final and appealable judgment, the appeal is DISMISSED for lack of jurisdiction. *See Askanase v. Livingwell, Inc.*, 981 F.2d 807, 809-10 (5th Cir. 1993).

¹ On the first page of his complaint, Tindle gave his TDCJ # as 2144689, but on the last page he wrote # 1966673.