

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-4632
Conference Calendar

ALONZO HOWARD PAYNE,

Plaintiff-Appellant,

versus

JAMES A. COLLINS, Director,
Texas Dept. of Criminal Justice,
Institutional Division,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:91-CV-155
- - - - -
(January 21, 1993)

Before GARWOOD, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Plaintiff-appellant Alonzo Howard Payne appeals the district court's denial of his request for a temporary restraining order and/or preliminary injunction. Payne filed his request in the instant action seeking the return of his typewriter, law books, legal pleadings, and personal property.

The denial of a temporary restraining order is not appealable. Matter of Lieb, 915 F.2d 180, 183 (5th Cir. 1990).

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

The district court did not abuse its discretion in denying a preliminary injunction, which is an extraordinary remedy. Mississippi Power & Light Co. v. United Gas Pipe Line Co., 760 F.2d 618, 621 (5th Cir. 1985). Payne has not demonstrated a threat of irreparable injury and has not shown, as he alleges, that the lack of access to his legal materials and typewriter is hampering his ability to litigate. Payne has an adequate remedy at law for the alleged confiscation of his personal property. The granting of injunctive relief is not essential to preserve the Court's ability to rule on the merits of his underlying claim for the denial of adequate medical care. See id. at 627.

AFFIRMED.