

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-5738
Conference Calendar

GREGORY DWAYNE THOMAS,

Plaintiff-Appellant,

versus

THOMAS BARRY, Jail Director,
ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-91-CA-891

- - - - -
August 17, 1993

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Gregory D. Thomas, proceeding pro se and in forma pauperis (IFP), filed a 42 U.S.C. § 1983 action in August of 1991, alleging myriad civil rights violations stemming from his placement in administrative segregation while he was a pretrial detainee in Bexar County.

This Court must examine the basis of its jurisdiction on its own motion if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). "[A]ny order . . . which adjudicates fewer than all

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.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 claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties" Fed. R. Civ. P. 54(b). A disposition of fewer than all the claims or parties fails to constitute an appealable judgment under 28 U.S.C. § 1291. See Thompson v. Betts, 754 F.2d 1243, 1245 (5th Cir. 1985). No final judgment has been rendered regarding the liability of defendant Robinson in his individual capacity. Therefore, Thomas's appeal from the district court's denial of his original claim regarding his placement in administrative segregation is not properly before this Court.

Thomas also filed a timely notice of appeal from the district court's denial of his motions seeking injunctive relief and a temporary restraining order. The denial of a temporary restraining order, however, is not immediately appealable; this Court does not have the jurisdiction to review the denial of a temporary restraining order. Matter of Lieb, 915 F.2d 180, 183 (5th Cir. 1990).

Thomas's appeal from the denial of his motion seeking injunctive relief is appealable, see 28 U.S.C. § 1292(a)(1), but he does not raise or brief any of the issues presented in his motion for injunctive relief. Therefore, this challenge is deemed abandoned on appeal. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

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Therefore, the district court's order denying injunctive relief is AFFIRMED, and the remainder of Thomas's appeal is DISMISSED for lack of jurisdiction.