

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-20726  
Conference Calendar

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CLAUS JORDAN-MAIER,

Plaintiff-Appellant,

versus

JAMES A. COLLINS, Director,  
TDCJ-ID, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA H 94-438  
- - - - -

(January 24, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM, and DeMOSS,  
Circuit Judges.

PER CURIAM:\*

Denial of a motion for a TRO is not appealable. Matter of Lieb, 915 F.2d 180, 183 (5th Cir. 1990). Denial of a preliminary injunction, however, is immediately appealable. Lakedreams v. Taylor, 932 F.2d 1103, 1107 (5th Cir. 1991). In his response to the magistrate judge's order for more definite statement, Jordan stated that his wisdom tooth was extracted on May 19, 1994, and that he did not suffer from pain after the tooth was extracted. Because the tooth has been extracted, his appeal from the denial

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\* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

of his motion for a court-ordered surgical or invasive dental procedure is moot. See Powell v. McCormack, 395 U.S. 486, 496, 89 S. Ct. 1944, 23 L. Ed. 2d 491 (1969).

Apart from his general argument that the district court ruled on his motion for a temporary restraining order and/or preliminary injunction prematurely, Jordan does not contend that he has been retaliated against as a result of filing his civil rights complaint. Accordingly, Jordan has failed to demonstrate that the district court abused its discretion in denying the motion for a preliminary injunction. See Lakedreams, 932 F.2d at 1107; see also Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987) (issues which are not briefed are waived).

APPEAL DISMISSED. See 5th Cir. R. 42.2.