

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40214
Conference Calendar

LOUISE B. RENAUD ET AL.,

Plaintiffs,

JIMMY D. PEMBERTON,

Plaintiff-Appellant,

versus

JAMES A. COLLINS, Director,
Texas Department of Criminal Justice,
Institutional Division, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:93-CV-34
- - - - -

(January 24, 1995)

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

PER CURIAM:*

Jimmy D. Pemberton, a prisoner in the Texas Department of Criminal Justice - Institutional Division (TDCJ-ID), and 11 other prisoners filed civil rights complaint pursuant to 42 U.S.C. § 1983 against various TDCJ-ID officials. As part of this suit, Pemberton filed a motion for preliminary injunction to prevent

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

legal materials from being confiscated from his cell. The district court denied the motion. A district court's denial of a motion for a preliminary injunction will be reversed only for an abuse of discretion. Lakedreams v. Taylor, 932 F.2d 1103, 1107 (5th Cir. 1991).

To obtain a preliminary injunction, the moving party must establish four factors: (1) a substantial likelihood of success on the merits, (2) a substantial threat that failure to grant the injunction will result in irreparable injury, (3) the threatened injury outweighs any damage that the injunction may cause the opposing party, and (4) the injunction will not disserve the public interest.

Id. "The denial of a preliminary injunction will be upheld where the movant has failed sufficiently to establish any one of the four criteria." Black Fire Fighters Ass'n v. City of Dallas, 905 F.2d 63, 65 (5th Cir. 1990).

Pemberton argues that the district court erred in concluding that he was not likely to prevail on the merits based on Long v. Collins, 917 F.2d 3, 4-5 (5th Cir. 1992). Even if Pemberton is correct in this assertion, he is not entitled to a preliminary injunction unless he established all four factors listed in Lakedreams. Although the district court did not specifically consider any of the factors other than likely success, Pemberton has not shown that returning the legal documents of other prisoners or having them stored elsewhere will produce an irreparable injury.

AFFIRMED.