

**UNITED STATES COURT OF APPEALS**  
**FOR THE FIFTH CIRCUIT**

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No. 96-11135  
Summary Calendar

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LARRY GENE POWELL,

Plaintiff-Appellant,

versus

TEMPLE INLAND MORTGAGE CORPORATION;  
U.S. DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT; CENTURY 21 REAL ESTATE  
COMPANY; THE CITY OF TERRELL,

Defendants-Appellees.

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Appeal from the United States District Court  
For the Northern District of Texas  
(3:96-CV-2351-D)

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February 19, 1997

Before POLITZ, Chief Judge, DUHÉ and STEWART, Circuit Judges.

PER CURIAM:\*

Larry Gene Powell appeals the denial of a motion for a TRO and/or

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

preliminary injunction. We must determine, *sua sponte* if necessary, whether we have appellate jurisdiction.<sup>1</sup> We find that we do not for the denial of a TRO is not appealable.<sup>2</sup> Accordingly, the appeal is DISMISSED.

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<sup>1</sup>**Mosley v. Cozby**, 813 F.2d 659 (5th Cir. 1987).

<sup>2</sup>**Matter of Lieb**, 915 F.2d 180 (5th Cir. 1990).