

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-20182  
Summary Calendar

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CARL DAVIS; KIRK BENNETT; JOHN W. FULLER; JAMES REED; RAMON L.  
SOLANAS; RAYNALDO LOPEZ; MICHAEL GRIGSBY; FLOYD COLLINS; DEXTER  
HOOVER; RAY ROBINSON; MICHAEL HERNANDEZ; HOMERO ROSAS; JAMES  
HALL; JAMES HUNTER; JAMES MANERS; ALAN MULLINS; MICHAEL CAIN;  
ROBERT A. WHITE; BRET COOK; SAMY LUALY,

Plaintiffs-Appellants,

versus

WAYNE SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
INSTITUTIONAL DIVISION; TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
INSTITUTIONAL DIVISION; JERRY GROOM; EARL FOX, MAJOR; DOUGLAS  
DRETKE, ASST. WARDEN; JERRY BARATT; D. DOWNS,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA-H-95-69  
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September 9, 1996

Before KING, WIENER and DeMOSS, Circuit Judges.

PER CURIAM:\*

Texas state prisoners Michael Cain, # 647455; Alan Mullins,  
# 548739; Raynaldo Lopez, # 643937; Ray Robinson, # 620379; Ramon

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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that this opinion should not be published and is not precedent  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.

Solanas, # 640719; and Carl Davis, # 634171\*\* seek to proceed in forma pauperis in their appeal from the district court's orders denying their motions for appointment of counsel and a preliminary injunction.\*\*\* The appellants have identified no error in the district court's denial of their motions. Davis et al. v. Scott et al., No. CA-H-95-69 (S.D. Tex. Jan. 31, 1996).

The appeal fails to present a nonfrivolous issue, and the motion to proceed in forma pauperis is DENIED. See Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986). The motion for appointment of counsel is also DENIED. The appeal is frivolous, and it is DISMISSED. See 5th Cir. R. 42.2.

APPEAL DISMISSED.

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\*\* Larry Davis, # 628403, also filed a motion to proceed in forma pauperis; however, he cannot appeal because he did not sign the notice of appeal. See Carter v. Stalder, 60 F.3d 238, 239 (5th Cir. 1995).

\*\*\* We do not address the denial of the motion for a temporary restraining order because it is not an appealable order. See In re Lieb, 915 F.2d 180, 183 (5th Cir. 1990). Although the appellants' notice of appeal mentions an appeal from the denial of a motion for class certification, the issue is deemed abandoned because no arguments have been briefed on the issue. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).