

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40530  
Conference Calendar

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DAVID LORENZA JOYNER,

Plaintiff-Appellant,

versus

WAYNE SCOTT, Director,  
Texas Department of Criminal Justice,  
Institutional Division,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:96-CV-107  
- - - - -

December 10, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

David Lorenza Joyner, #725378, appeals the district court's denial of his motion for a temporary restraining order and/or a preliminary injunction. The denial of an application for a temporary restraining order is not appealable. Matter of Leib, 915 F.2d 180, 183 (5th Cir. 1990). Joyner has not shown a likelihood of success on the merits or irreparable injury

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

warranting a preliminary injunction. The district court did not abuse its discretion in denying his motion for a preliminary injunction. Lakedreams v. Taylor, 932 F.2d 1103, 1106-07 (5th Cir. 1991).

AFFIRMED.