

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 7, 2023

Lyle W. Cayce
Clerk

No. 22-40190

RANDALL T. GREENOUGH,

Plaintiff—Appellant,

versus

SHARILLA GRAY,

Defendant—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:21-CV-75

Before WIENER, ELROD, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Randall T. Greenough, an inmate confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, appeals the district court's denial of his motion for default judgment.

We previously remanded this case to the district court for the limited purpose of clarifying whether a final judgment had issued. On August 29, 2023, the district court clarified that although it had previously entered final

* This order is not designated for publication. *See* 5TH CIR. R. 47.5.

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judgment in Greenough's case, it had since granted Greenough's motion to alter or amend judgment, which reinstated the case on the court's active docket. Accordingly, this court lacks jurisdiction over this appeal. *See Adult Film Ass'n of Am., Inc. v. Thetford*, 776 F.2d 113, 115 (5th Cir. 1985) (holding that orders denying default judgment are not subject to interlocutory appeal).

This case is DISMISSED for lack of jurisdiction. Further, Greenough's outstanding motion for rehearing en banc is DENIED as moot, as the opinion on which Greenough seeks rehearing has already been withdrawn.