

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 20, 2021

Lyle W. Cayce
Clerk

No. 20-20318

JOHNATHAN HUNT,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice,
Correctional Institutions Division,*

Respondent—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:19-CV-4050

Before DENNIS, ELROD, and SOUTHWICK, *Circuit Judges.*

PER CURIAM:*

This interlocutory appeal by Johnathan Hunt, Texas prisoner # 560374, is from the denial of motions for a preliminary injunction, temporary restraining order (TRO), discovery, and joinder of claims in his federal habeas proceeding. Hunt seeks a certificate of appealability (COA),

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-20318

as well as bail pending appeal, an expedited ruling on his motion for bail pending appeal, release to earned mandatory supervision, and the appointment of counsel.

A COA is not required to appeal an interlocutory order denying a motion for a preliminary injunction because the interlocutory denial is not “the final order in a habeas corpus proceeding.” 28 U.S.C. § 2253(c)(1)(A). Thus, Hunt’s request for a COA is denied as unnecessary.

Hunt makes no attempt to establish that he satisfied the four necessary elements for obtaining a preliminary injunction. *See Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009); *Enter. Int’l, Inc. v. Corporacion Estatal Petrolera Ecuatoriana*, 762 F.2d 464, 472 (5th Cir. 1985). Consequently, his appeal of the denial of these motions is dismissed as frivolous. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987); 5TH CIR. R. 42.2.

The interlocutory orders denying Hunt’s motions for a TRO, discovery, and joinder of claims are not immediately appealable. *See Acevedo v. Allsup’s Convenience Stores, Inc.*, 600 F.3d 516, 520 (5th Cir. 2010); *Texaco Inc. v. Louisiana Land & Expl. Co.*, 995 F.2d 43, 44 (5th Cir. 1993); *In re Lieb*, 915 F.2d 180, 183 (5th Cir. 1990). Thus, Hunt’s appeal of these orders is dismissed for want of jurisdiction.

Accordingly, Hunt’s appeal is DISMISSED in part as frivolous and DISMISSED in part for want of jurisdiction. His request for a COA is DENIED as unnecessary, and all remaining pending motions are DENIED.