

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7277

AARON HOLSEY,

Plaintiff - Appellant,

versus

MELANIE C. PEREIRA, individually, and as former Deputy Commissioner of Corrections for Maryland at 6776 Reisterstown Road, Baltimore, Maryland 21215; SUPERVISOR, Home Detention Unit, individually, and in his official capacity at 2100 Guilford Avenue, Baltimore, Maryland 21218; MARYLAND DIVISION OF CORRECTIONS HEADQUARTERS, 6776 Reisterstown Road, Baltimore, MD 21215; PATRICIA K. CUSHWA, individually, and as Chairperson of the Maryland Parole Commission at 6776 Reisterstown Road, Baltimore, Maryland 21215; FRANK PAPPAS, individually, and as Maryland Parole Commissioner; MACEO M. WILLIAMS, individually, and as Maryland Parole Commissioner; RALPH ROBINSON, individually, and as Facility Administrator for Baltimore City Pre-Release Facility, 926 Greenmount Avenue, Baltimore, Maryland 21202; D. THANIEL, individually, and as Supervisor of Classification Department at Baltimore City Pre-Release Unit; SUSAN T. DONAHUE, individually, and as Former Supervisor of Classification at Eastern Correctional Institution, Annex, 30420 Revells Neck Road, Westover, Maryland 21890; ALVIN MCCOY, individually, and as a captain assigned to the Baltimore City Pre-Release Unit; CARTER DONAWAY, individually, and as a work release counselor assigned to the Baltimore City Pre-Release Unit B; ELEU GATLING, individually, and as a work release counselor assigned to the Baltimore City Pre-Release Unit; C.

WESTON, individually, and as a work release counselor assigned to the Baltimore City Pre-Release Unit; MICHAEL BLOUNT, Parole Commissioner,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, District Judge. (CA-01-898-JFM)

Submitted: December 20, 2001 Decided: December 28, 2001

Before LUTTIG, TRAXLER, and GREGORY, Circuit Judges.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

Aaron Holsey, Appellant Pro Se. J. Joseph Curran, Jr., Attorney General, David Phelps Kennedy, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Aaron Holsey appeals the district court's order denying his motions for: (1) a temporary restraining order; (2) a preliminary injunction; and (3) a default judgment. We dismiss in part and affirm in part.

The denial of a temporary restraining order is ordinarily not appealable absent exceptional circumstances. Virginia v. Tenneco, Inc. 538 F.2d 1026, 1029-30 (4th Cir. 1976). Because this case presents no exceptional circumstances, we decline to review the denial of Holsey's request for a temporary restraining order and dismiss the appeal insofar as it pertains to that portion of the district court's order.

Insofar as Holsey appeals the denial of his request for a preliminary injunction, we have reviewed the record and the district court's order and find no abuse of discretion. Accordingly, we affirm that part of the order on the reasoning of the district court. Holsey v. Pereira, No. CA-JFM-01-888 (D. Md. July 31, 2001).

To the extent that Holsey appeals that part of the district court's order denying his motion for a default judgment, we dismiss the appeal as interlocutory. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohan v. Beneficial Indus. Loan Corp., 337 U.S.

541 (1949). We dismiss that portion of the district court's order denying the motion for a default judgment because it is neither a final order nor an appealable interlocutory order.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED IN PART; AFFIRMED IN PART