

UNPUBLISHED  
**UNITED STATES COURT OF APPEALS**  
FOR THE FOURTH CIRCUIT

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| TRYPHON PEACOCK,<br><i>Plaintiff-Appellant,</i><br>v.<br>JOHN WOODLOCK,<br><i>Defendant-Appellee,</i><br>and<br>R. C. LEE; ROBERT SMITH; DONALD<br>R. NOBERS; DOCTOR SOBA,<br><i>Defendants.</i> |
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No. 01-7350

Appeal from the United States District Court  
for the Eastern District of North Carolina, at Raleigh.  
Malcolm J. Howard, District Judge.  
(CA-01-13-5-H)

Submitted: October 31, 2001

Decided: November 21, 2001

Before WIDENER and WILKINS, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Dismissed in part and affirmed in part by unpublished per curiam opinion.

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**COUNSEL**

Tryphon Peacock, Appellant Pro Se. Buren Riley Shields, III,  
NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North  
Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

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### OPINION

PER CURIAM:

Tryphon D. Peacock appeals the district court's order denying his motions for appointment of counsel and a temporary restraining order and/or a preliminary injunction. We dismiss in part and affirm in part.

As the district court's order denying Peacock's request for appointment of counsel is not a final order, it is not appealable. 28 U.S.C. § 1291; *Miller v. Simmons*, 814 F.2d 962, 967 (4th Cir. 1987). We therefore dismiss the appeal as to that order as interlocutory. To the extent Peacock appeals the denial of a temporary restraining order, such denial is not ordinarily appealable. *Virginia v. Tenneco, Inc.*, 538 F.2d 1026, 1029-30 (4th Cir. 1976). Because the case presents no exceptional circumstances, we decline to review the denial of a temporary restraining order, and dismiss the appeal as it pertains to that order. To the extent that Peacock appeals the denial of his request for a preliminary injunction, we have reviewed the record and the district court's opinion and find no abuse of discretion. Accordingly, we affirm that part of the order on the reasoning of the district court. *Peacock v. Angelone*, No. CA-01-13-5-H (E.D.N.C. May 11, 2001). Finally, we deny Peacock's motions for appointment of counsel and for injunctive relief. 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*