

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 03-7055

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JOSEPH DONALD LEE GREENE,

Plaintiff - Appellant,

versus

GENE M. JOHNSON, Director; RUFUS FLEMING,  
Regional Director; H. R. POWELL, Warden; POPE  
GRIZZARD, Operations Officer; J. H. BONEY,  
Mailroom Supervisor; CORRECTIONAL OFFICER  
ASHBURN, Mailroom Clerk; JAMES BEALE, Warden,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. Rebecca Beach Smith, District  
Judge. (CA-02-611-2)

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Submitted: October 9, 2003

Decided: October 21, 2003

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Before LUTTIG, KING, and DUNCAN, Circuit Judges.

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Dismissed in part and affirmed in part by unpublished per curiam  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

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Joseph Donald Lee Greene, Appellant Pro Se. Richard Carson Vorhis,  
OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Joseph Donald Lee Greene, a Virginia prisoner, appeals the district court's order denying his motion for appointment of counsel, motion for default judgment, and a temporary restraining order and/or a preliminary injunction. We dismiss in part and affirm in part.

As to the district court's order denying Greene's requests for appointment of counsel and motion for default judgment, these are not final orders, and are not appealable. 28 U.S.C. § 1291 (2000); see Miller v. Simmons, 814 F.2d 962, 967 (4th Cir. 1987). We therefore dismiss the appeal as to those orders as interlocutory.

To the extent Greene 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.

Finally, to the extent that Greene 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. See Greene v. Johnson, No. CA-02-611-2 (E.D. Va. July 7, 2003). 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