

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6664

JAMES STRONG,

Plaintiff - Appellant,

versus

JON E. OZMINT, Director, South Carolina Department of Corrections; GARY MAYNARD, South Carolina Department of Corrections Official; ROBERT WARD, South Carolina Department of Corrections Official; LAURIE F. BESSINGER, South Carolina Department of Corrections Official; BERNARD MCKIE, South Carolina Department of Corrections Official; JAMES SLEIGH, South Carolina Department of Corrections Employee; TRACY BAXLY, South Carolina Department of Corrections Employee; GENE NOLES, South Carolina Department of Corrections Employee; NFN MARTIN, South Carolina Department of Corrections Employee; NFN ESSTIES, South Carolina Department of Corrections Employee; MARCELLA MCCOY, South Carolina Department of Corrections Employee; ALVIN GRABER, South Carolina Department of Corrections Employee; ROBERT M. STEWART, South Carolina State Law Enforcement Division; ROBERT ESPISITO, South Carolina Department of Corrections Employee; JOEL MOORE, South Carolina Department of Corrections Employee; SAM LATTA, South Carolina Department of Corrections Employee; ALEX UNDERWOOD, Corporal, South Carolina Law Enforcement Division; VAUGHN JACKSON, South Carolina Department of Corrections Employee; TYRONE MURRAY, South Carolina Department of Corrections Employee; SAM DUCKETT, South Carolina Department of Corrections Employee; NFN ROBINSON, South Carolina Department of

Corrections Employee; NFN BOULWARE, South Carolina Department of Corrections; LARRY BINBOW, South Carolina Department of Corrections Employee; TEDDY REEVES, South Carolina Department of Corrections Employee; SAM PARKER, JR., South Carolina Department of Corrections Employee; SERGEANT PETERSON, South Carolina Department of Corrections; JAMES GLOVER, South Carolina Department of Corrections Employee; ELLIOT PALLARD, South Carolina Department of Corrections Employee; PHILLIP ADAMS, South Carolina Department of Corrections Employee,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Margaret B. Seymour, District Judge. (CA-03-2256)

Submitted: July 9, 2004

Decided: August 11, 2004

Before SHEDD and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

James Strong, Appellant Pro Se. Andrew Frederick Lindemann, Barton J. Vincent, DAVIDSON, MORRISON & LINDEMANN, P.A., Columbia, South Carolina, for Appellees.

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

PER CURIAM:

James R. Strong, who is an inmate in the maximum security unit of Kirkland Correctional Institution in Columbia, South Carolina, initiated a 42 U.S.C. § 1983 (2000) action in which he challenged various conditions of his confinement. In the course of that proceeding, Strong filed the following motions, the denial of which is the subject of this appeal: (1) For declaratory judgment and/or preliminary injunction to prevent defendants from cutting his hair and beard; (2) For a temporary restraining order to restrain the defendants from denying him "incoming publications, periodicals, renewal of subscriptions, religious literature, magazines, books, etc."; and (3) For a preliminary injunction for removal of restraints during outdoor exercise. Those motions, along with several others, were referred to a magistrate judge for a recommendation. The magistrate judge recommended that all of the motions be denied. After considering Strong's objections, the district court adopted the report and recommendation and denied all of Strong's motions, and Strong timely appealed. We dismiss in part and affirm in part.

To the extent that Strong appeals the denial of temporary restraining orders, such orders are generally not appealable. See Virginia v. Tenneco, Inc., 538 F.2d 1026, 1029-30 (4th Cir. 1976). We therefore dismiss the appeal insofar as Strong is appealing the denial of temporary restraining orders. We review

the denial of preliminary injunctive relief, which is appealable under 28 U.S.C. § 1292(a), for abuse of discretion "only in order to determine 'whether the trial court abused its discretion in finding the presence or absence of irreparable harm and a probability that the plaintiffs would succeed on the merits.'" See Planned Parenthood of Blue Ridge v. Camblos, 155 F.3d 352, 359 (4th Cir. 1998) (en banc). We find no such abuse of discretion in the district court's denial of preliminary injunctive relief. Thus, to the extent that Strong appeals the denial of preliminary injunctive relief, we affirm for the reasons stated by the district court. See Strong v. Ozmint, No. CA-03-2256 (D.S.C. Mar. 23, 2004).

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