

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7811

MICHAEL RANKINS,

Plaintiff - Appellant,

versus

DENNIS ROWLAND; MICHAEL A. MUNNS; RICHARD T.
JONES; BOBBY MONTAGUE; EARNEST SUTTON; J. A.
REID; JOHN DOE, Maintenance Supervisor; JOHN
DOE, Health Authority; SHARON SNIDER; NURSE
CRAIG; JOHN DOE, Classification Officials,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. Louise W. Flanagan, Chief
District Judge. (CA-05-621-FL-5)

Submitted: June 2, 2006

Decided: June 27, 2006

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

Dismissed by unpublished per curiam opinion.

Michael Rankins, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Rankins appealed the district court's order that denied his motions for a temporary restraining order and preliminary injunction in his 42 U.S.C. § 1983 action.¹ Rankins alleged a poor ventilation system in the unit in which he was housed at Butner Correctional Facility ("Butner") caused him bodily harm, that he was denied medical treatment for his symptoms, and that he was denied outdoor recreation. The district court directed Rankins to particularize his claims within twenty days and denied his requests for injunctive relief and a temporary restraining order. We dismiss the appeal.

Rankins has been transferred from Butner to Central Prison in Raleigh, North Carolina, so his requests for a temporary restraining order and injunctive relief are now moot, and we dismiss his appeal as to the denial of injunctive relief for that reason.² To the extent that Rankins appeals the disposition of his § 1983 claims, his appeal is interlocutory because the district court's order is not a final disposition of those claims. We

¹We grant Rankins' motion to reconsider and grant him leave to proceed under the PLRA in this appeal. Even though he has accumulated three "strikes" under 28 U.S.C. § 1915(g), construing his allegations as true, we conclude he made a colorable showing he was in "imminent danger of serious physical injury." We express no opinion, however, as to the merits of his claims. We deny Rankins' motion to reconsider our denial of his request for a stay.

²The denial of a temporary restraining order is generally not appealable. See Virginia v. Tenneco, Inc., 538 F.2d 1026, 1029-30 (4th Cir. 1976).

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

DISMISSED