

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-6619**

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STEVEN LEWIS BARNES,

Plaintiff - Appellant,

v.

E. QUATTLEBAUM, Sergeant, individually and official  
capacity; MAJOR JACKSON, individually and official capacity;  
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Florence. Margaret B. Seymour, District  
Judge. (4:08-cv-02197-MBS-TER)

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Submitted: September 29, 2009                      Decided: October 6, 2009

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Before NIEMEYER, MICHAEL, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Steven Lewis Barnes, Appellant Pro Se. Andrew Lindemann,  
DAVIDSON & LINDEMANN, PA, Columbia, South Carolina, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Lewis Barnes seeks to appeal the district court's order adopting the recommendation of the magistrate judge and denying his motion for a temporary restraining order. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2006), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2006); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). Absent exceptional circumstances not present here, the denial of a motion for a temporary restraining order is interlocutory and not appealable. Office of Pers. Mgmt. v. Am. Fed'n of Gov't Employees, 473 U.S. 1301, 1303-04 (1985); Drudge v. McKernon, 482 F.2d 1375, 1376 (4th Cir. 1973). Accordingly, we dismiss the appeal for lack of jurisdiction. 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