

ON REHEARING

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 05-6648

---

FREDERICK GREEN,

Plaintiff - Appellant,

versus

JONATHAN E. OZMINT, Director of SCDC; GEORGE HAGAN, Warden of Allendale Correctional Institution; LAVERNE COHEN, Associate Warden of Special Management Unit (SMU); ANN HALLMAN, Institutional Grievance Coordinator at Allendale Correctional Institution; SAMUEL KEARSE, Lieutenant and SMU Supervisor at Allendale Correctional Institution; OTHER UNKNOWN AGENCY OFFICIALS,

Defendants - Appellees.

---

Appeal from the United States District Court for the District of South Carolina, at Charleston. Cameron McGowan Currie, District Judge. (CA-04-22074-2)

---

Submitted: August 4, 2006

Decided: September 14, 2006

---

Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

---

Affirmed in part; dismissed in part by unpublished per curiam opinion.

---

Frederick Green, Appellant Pro Se. Andrew Frederick Lindemann, 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Unpublished opinions are not binding precedent in this circuit.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:

Frederick Green seeks to appeal the district court's order adopting the magistrate judge's recommendation, denying Green's motion for a temporary restraining order and a preliminary injunction. Although we previously dismissed this appeal, see Green v. Ozmint, No. 05-6648 (4th Cir. Nov. 29, 2005), we subsequently granted panel rehearing and denied rehearing en banc. On rehearing, we affirm in part and dismiss in part.

This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000). Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). As noted in our prior opinion, the district court's denial of Green's request for a temporary restraining order is not appealable, and we accordingly dismiss the appeal as to this portion of the district court's decision.

On the other hand, the district court's denial of Green's request for a preliminary injunction is immediately appealable. 28 U.S.C. § 1292(a)(1) (2000). With respect to the portion of the appeal regarding the district court's denial of Green's motion for a preliminary injunction, we have reviewed the record and find no reversible error. Accordingly, we affirm this portion of the appeal for the reasons stated by the district court. Green v. Ozmint, No. CA-04-22074-2 (D.S.C. Mar. 16, 2005).

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.

AFFIRMED IN PART; DISMISSED IN PART