

United States Court of Appeals
For the Eighth Circuit

No. 12-1503

Jeffrey Scott Ratchford; Charles E. Butler; Robert R. Heffernan; Dellemond Cunningham

Plaintiffs - Appellants

v.

Gladys M. Evans, Program Specialist, Varner Unit, ADC; Barbara Smallwood,
Business Manager, Varner Unit, ADC; James Banks, Warden, Varner Unit, ADC;
Ray Hobbs, Director, Arkansas Department of Correction

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Pine Bluff

Submitted: August 3, 2012
Filed: August 9, 2012
[Unpublished]

Before WOLLMAN, MELLOY, and SHEPHERD, Circuit Judges.

PER CURIAM.

Jeffrey Scott Ratchford, Charles E. Butler, Robert R. Heffernan, and Dellemond Cunningham appeal the district court's¹ interlocutory order denying their motions seeking injunctive relief and denying their motion for class certification.

At this time, we have jurisdiction to review only the denial of injunctive relief. See 28 U.S.C. §§ 1291 (final-judgment rule), 1292(a)(1) (courts of appeals have jurisdiction from appeals of interlocutory orders from district courts refusing injunctions); Reinholdson v. Minnesota, 346 F.3d 847, 849 (8th Cir. 2003) (interlocutory appeal of denial of class certification not proper where plaintiffs did not seek permission under Fed. R. Civ. P. 23(f) to appeal such denial or invoke any of recognized exceptions to final-judgment rule).

We conclude that the district court did not abuse its discretion in denying appellants injunctive relief, because they failed to demonstrate that they faced a threat of irreparable harm. See Phelps-Roper v. Troutman, 662 F.3d 485, 488 (8th Cir. 2011) (per curiam) (standard of review); Roudachevski v. All-American Care Ctrs., Inc., 648 F.3d 701, 705 (8th Cir. 2011) (factor in determining whether preliminary injunction should issue is threat of irreparable harm to movant); see also Hartsfield v. Nichols, 511 F.3d 826, 831-32 (8th Cir. 2008) (to prove violation of right of access to courts, prisoner must establish state has not provided opportunity to litigate claim, resulting in actual injury, i.e., hindrance of nonfrivolous and arguably meritorious underlying legal claim).

Accordingly, we affirm the denial of injunctive relief. See 8th Cir. R. 47B.

¹The Honorable D.P. Marshall Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable Jerome T. Kearney, United States Magistrate Judge for the Eastern District of Arkansas.