

United States Court of Appeals
For the Eighth Circuit

No. 16-1427

Charles Chambers

Petitioner - Appellant

v.

Jay Cassady, Warden

Respondent - Appellee

Appeal from United States District Court
for the Western District of Missouri - Springfield

Submitted: May 2, 2016

Filed: May 5, 2016

[Unpublished]

Before MURPHY, MELLOY, and GRUENDER, Circuit Judges.

PER CURIAM.

Missouri inmate Charles Chambers--who is serving a 10-year state prison sentence for second-degree robbery--filed a 28 U.S.C. § 2254 petition claiming that the state trial court lacked jurisdiction to accept his guilty plea. During the proceedings below, Chambers filed a motion under the All Writs Act, *see* 28 U.S.C. § 1651, requesting a temporary restraining order and injunctive relief related to prison

policies on legal assistance and supplies. He appeals the district court's¹ interlocutory order denying his motion.

The denial of a temporary restraining order is not immediately appealable. *See Hamm v. Groose*, 15 F.3d 110, 112-13 (8th Cir. 1994). While we have jurisdiction to review the denial of injunctive relief, *see* 28 U.S.C. § 1292(a)(1), we find no abuse of discretion in the district court's ruling. First, the requested injunction and Chambers's section 2254 petition concerned different subject matter. *See Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994). Second, relief under the All Writs Act is only available to parties who lack an adequate alternative remedy, *see In re Montes*, 677 F.2d 415, 416 (5th Cir. 1982) (per curiam); and an action under 42 U.S.C. § 1983 is available to a prisoner who claims that prison policies on legal assistance and supplies have resulted in a denial of access to the courts and have caused an actual injury to the prisoner. *See Lewis v. Casey*, 518 U.S. 343, 351 (1996).

Accordingly, we affirm. Chambers's motion for leave to proceed in forma pauperis on appeal is granted, and his motion to stay is denied as moot.

¹The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri.