

1 **II. LEGAL STANDARDS**

2 To be entitled to preliminary injunctive relief, a party must demonstrate “that he is
3 likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence
4 of preliminary relief, that the balance of equities tips in his favor, and that an injunction is
5 in the public interest.” Stormans, Inc. v. Selecky, 586 F.3d 1109, 1127 (9th Cir. 2009)
6 (citing Winter v. Natural Res. Def. Council, Inc., 129 S.Ct. 365, 374 (2008)). The Ninth
7 Circuit has also held that the “sliding scale” approach it applies to preliminary injunctions
8 as it relates to the showing a plaintiff must make regarding his chances of success on the
9 merits survives Winter and continues to be valid. Alliance for Wild Rockies v. Cottrell, 622
10 F.3d 1045, 1052-53 (9th Cir. 2010). Under this sliding scale, the elements of the
11 preliminary injunction test are balanced. As it relates to the merits analysis, a stronger
12 showing of irreparable harm to plaintiff might offset a lesser showing of likelihood of
13 success on the merits. Id.

14 In cases brought by prisoners involving conditions of confinement, any preliminary
15 injunction “must be narrowly drawn, extend no further than necessary to correct the harm
16 the court finds requires preliminary relief, and be the least intrusive means necessary to
17 correct the harm.” 18 U.S.C. § 3626(a)(2).

18 **III. ANALYSIS**

19 In the his Motion, Plaintiff makes allegations that all electronics will soon be
20 removed from the prison. Plaintiff states that the prisoners should be allowed to have fans
21 because the ventilation system is inadequate. He fails to attribute responsibility for this
22 action to any named Defendants.
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1 The Court finds that, at this stage in the proceedings, Plaintiff fails to meet the legal
2 standards required to be granted injunctive relief. To succeed on such motion, Plaintiff
3 must establish that he is likely to succeed on the merits, that he is likely to suffer
4 irreparable harm in the absence of preliminary relief, that the balance of equities tips in his
5 favor, and that an injunction is in the public interest. Plaintiff has not addressed any of the
6 legal requirements to meet the standard. He does not state anything about the merits of
7 this action, does not refer to any irreparable harm, the balance of equities or the public
8 good.
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10 **IV. CONCLUSION**

11 Based on the foregoing, the Court HEREBY RECOMMENDS that Plaintiff's Motion
12 for a Preliminary Injunction be DENIED.
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14 These Findings and Recommendations will be submitted to the United States
15 District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. §
16 636(b)(1). Within thirty (30) days after being served with these Findings and
17 Recommendations, plaintiff may file written objections with the court. The document
18 should be captioned "Objections to Magistrate Judge's Findings and Recommendations."
19 Plaintiff is advised that failure to file objections within the specified time may waive the right
20 to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.1991).
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22 IT IS SO ORDERED.

23 Dated: September 2, 2011

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25 UNITED STATES MAGISTRATE JUDGE
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