

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

STEVEN EUGENE WELLS,

Plaintiff,

v.

STATE OF OREGON et al.,

Defendants.

No. CV 09-189-HU

OPINION AND ORDER

MOSMAN, J.,

Steven Eugene Wells has filed an Ex Parte Motion for Temporary Injunction (#2) requesting a temporary injunction against the enforcement of the Board of Parole's July 26, 2007, order requiring plaintiff to complete a sexual offender treatment program. This motion has been interpreted by the court as a request for an emergency temporary restraining order. Mr. Wells has made no showing of an immediate pending risk of irreparable harm. *See Denison v. Brown*, 2007 WL 4345806, *9 (D. Or. Dec. 10, 2007). He states that during his November 4, 2008, meeting with his parole officer he was advised that if he was terminated from the treatment program he would be sanctioned. (Wells Aff. (#3) ¶ 14.) On November 25, 2008, Mr. Wells was informed that no treatment program would allow him to complete treatment while maintaining his innocence. (*Id.* ¶ 17.) However, Mr. Wells has not alleged that a parole revocation hearing is

PAGE 1 - OPINION AND ORDER

scheduled or imminent, particularly given that his parole has not been revoked since November, despite having maintained his innocence in the treatment program.

For the foregoing reasons, Mr. Wells's Motion for Temporary Injunction (#2) is DENIED.

IT IS SO ORDERED.

DATED this 20th day of February, 2009.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge