

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

GARY W. YOUNGBLOOD 263709,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	2:15cv214-MHT
	)	(WO)
ALA. DEPT. OF CORRECTIONS,	)	
et al.,	)	
	)	
Defendants.	)	

OPINION AND ORDER

Pursuant to 42 U.S.C. § 1983, plaintiff, a state prisoner, filed this lawsuit challenging the defendants' refusal to forward money from his prison account to the United States Patent Office to pay the required filing fee for an application he filed for a patent. This cause is before the court on the plaintiff's motion for reconsideration of the court's order (doc. no. 24) adopting the recommendation of the United States Magistrate Judge (doc. no. 20) and denying plaintiff's motion for preliminary injunction (doc. no. 1). While prisoners may not engage in business activity under prison regulations, "the submission of a patent application does not involve a

business activity in all circumstances." Tormasi v. Hayman, 443 F. App'x 742, 745 (3d Cir. 2011) (citing Jerry-El v. Beard, 419 Fed. Appx. 260, 263 (3d Cir. 2011) ("it does not appear that exercising [the] right [to register a copyright] necessarily constitutes engaging in a business activity.")). Nevertheless, as the plaintiff has not made the showing required for issuance of a preliminary injunction, his motion was properly denied.

\*\*\*

Accordingly, it is ORDERED that the plaintiff's motion for reconsideration (doc. no. 28), as supplemented (doc. no. 29), is denied.

DONE, this the 3rd day of August, 2015.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE