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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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John R. Bacon,

) No. CV 08-1673-PHX-GMS (LOA)

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Plaintiff,

) **ORDER**

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vs.

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Maricopa County Sheriff's Office, et al.,

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Defendants.

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Plaintiff John R. Bacon, who is confined in the Maricopa County Fourth Avenue Jail, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 and an Application to Proceed *In Forma Pauperis*. On October 17, 2008, the Court granted Plaintiff *in forma pauperis* status and dismissed the Complaint with leave to amend.

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Pending before the Court is Plaintiff's October 16, 2008 "Motion for Medical Treatment" (Doc. #8), in which Plaintiff asks that the Court order Defendants to provide Plaintiff with medical care. The Court will construe Plaintiff's Motion as a motion for preliminary injunction.

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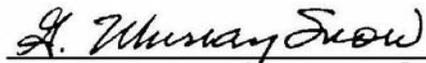
A preliminary injunction is an extraordinary and drastic remedy and will not be granted absent a clear showing of likely success in the underlying claim and possible irreparable injury. See Mazurek v. Armstrong, 520 U.S. 968, 972 (1997) (*per curiam*); Warsoldier v. Woodford, 418 F.3d 989, 993-94 (9th Cir. 2005); Pratt v. Rowland, 65 F.3d 802, 805 (9th Cir. 1995). Alternately, a party may show that serious questions going to the merits were raised and the balance of hardships tips sharply in his favor. Warsoldier,

1 418 F.3d at 994.

2 A party seeking preliminary injunctive relief “must necessarily establish a
3 relationship between the injury claimed in the party’s motion and the conduct asserted in
4 the complaint.” Devose v. Herrington, 42 F.3d 470, 471 (8th Cir. 1994) (*per curiam*)
5 (Eighth Amendment claim cannot provide basis for preliminary injunction against alleged
6 acts in retaliation for filing claim). In other words, Plaintiff must seek injunctive relief
7 related to the merits of his underlying claim. Because there presently is no complaint
8 pending, Plaintiff’s request is not properly before the Court at this time. Accordingly, the
9 Court will deny, without prejudice, Plaintiff’s Motion for Medical Treatment.

10 **IT IS ORDERED** that Plaintiff’s October 17, 2008 Motion for Medical Treatment
11 (Doc. #8) is **denied without prejudice**.

12 DATED this 23rd day of October, 2008.

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G. Murray Snow
15 United States District Judge
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