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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**8
9 Shaka,

No. CV 10-2253-PHX-SMM

10 Plaintiff,

11 vs.

ORDER12
13 Charles Ryan, et al.,14
15 Defendants.
16

17 Pending before the Court is Plaintiff's request for a typewriter, which is found on
18 page 2 of his most recent discovery motion (Doc. 273 at 2). The request must be denied.

19 **I. Governing Standard for Injunctive Relief**

20 A preliminary injunction is an extraordinary and drastic remedy and "one that
21 should not be granted unless the movant, by a clear showing, carries the burden of
22 persuasion." *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (per curiam) (quoting 11A
23 C. Wright, A. Miller, & M. Kane, *Federal Practice and Procedure* § 2948, pp. 129-130
24 (2d ed. 1995)). The purpose of a preliminary injunction is to preserve the status quo until
25 the merits of the action are ultimately determined. *University of Texas v. Camenisch*, 451
26 U.S. 390, 395 (1981). To obtain a preliminary injunction, the moving party must show
27 "that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in
28 the absence of preliminary relief, that the balance of equities tips in his favor, and that an

1 injunction is in the public interest.” *Winter v. Natural Resources Defense Council, Inc.*,
2 555 U.S. 7, 20 (2008); *Am. Trucking Ass’n, Inc. v. City of Los Angeles*, 559 F.3d 1046,
3 1052 (9th Cir. 2009). The moving party has the burden of proof on each element of the
4 test. *Environmental Council of Sacramento v. Slater*, 184 F. Supp. 2d 1016, 1027 (E.D.
5 Cal. 2000).

6 There is a heightened burden where a plaintiff seeks a mandatory preliminary
7 injunction, which should not be granted “unless the facts and law clearly favor the
8 plaintiff.” *Comm. of Cent. Am. Refugees v. I.N.S.*, 795 F.2d 1434, 1441 (9th Cir. 1986)
9 (citation omitted). Prohibitory injunctions seek to preserve the status quo, while
10 mandatory injunctions go beyond maintaining the status quo and are “particularly
11 disfavored.” *Stanley v. University of S. Calif.*, 13 F.3d 1313, 1320 (9th Cir. 1994).

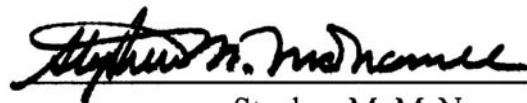
12 **II. Analysis**

13 The Court must determine if Plaintiff has met all the elements of the test for a
14 preliminary injunction—“that he is likely to succeed on the merits, that he is likely to
15 suffer irreparable harm in the absence of preliminary relief, that the balance of equities
16 tips in his favor, and that an injunction is in the public interest.” *Winter*, 555 U.S. at 20.
17 Plaintiff requests return of his typewriter that is in “permanent storage.” Plaintiff’s
18 request does not seek to maintain the status quo through a prohibitory injunction. Rather,
19 he seeks to change the status quo in the form of a mandatory injunction, which places a
20 heightened burden on the Plaintiff. *Comm. of Cent. Am. Refugees*, 795 F.2d at 1441. But
21 his request is limited to a one-sentence request in a discovery motion. He completely
22 fails to discuss the *Winter* factors or to support his request with any evidence. Thus, the
23 Court holds that it cannot find that Plaintiff is likely to succeed on the merits of his
24 claims or that he faces imminent irreparable injury, much less that Plaintiff meets the
25 heightened burden requirements of a mandatory injunction.

1 There are additional reasons supporting denial of Plaintiff’s request. The Ninth
2 Circuit has held that inmates have no right to a typewriter to prepare legal documents as
3 long as there remains some other means of preparing legal documents. *Phillips v. Hust*,
4 477 F.3d 1070, 1077 (9th Cir. 2007), *vacated on other grounds*, 129 S. Ct. 1036 (2009).
5 Here, there is little doubt regarding Plaintiff’s ability to file legal documents (*see* Docs.
6 260, 261-264, 268-271, 273, 275, 276) (documents filed in the last 90 days). Further,
7 Plaintiff’s request for a typewriter bears no relationship to this action—denial of
8 treatment for his torn rotator cuff. Instead, Plaintiff asserts that the need for a typewriter
9 stems from other unrelated medical issues (Doc. 273 at 2). And a court should not grant
10 an injunction “when the injunction in question is not of the same character, and deals
11 with a matter lying wholly outside the issues in the suit.” *Kaimowitz v. Orlando*, 122
12 F.3d 41, 43 (11th Cir. 1997); *see Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994)
13 (a plaintiff seeking injunctive relief must show “a relationship between the injury claimed
14 in the party’s motion and the conduct asserted in the complaint”). For all these reasons,
15 Plaintiff’s request for injunctive relief will be denied.

16 **IT IS THEREFORE ORDERED that** Plaintiff’s request for a typewriter (Doc.
17 273 at 2) is **denied**.

18 DATED this 3rd day of October, 2014.

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23 Stephen M. McNamee
24 Senior United States District Judge