

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

JIMMY SHANE CANTRELL

PLAINTIFF

V.

5:11CV00289 JMM

JOHNNIE E. HUDSON, et al

DEFENDANTS

ORDER

Pending are Plaintiff's motions for temporary restraining order, extension of time, copies, etc. Defendants have responded to the motion for temporary restraining order.

Plaintiff asks the Court to extend his time for filing objections to the Recommended Disposition filed by United States Magistrate Judge Beth Deere. The Court will grant Plaintiff an additional thirty (30) days to file his objections to the Recommended Disposition.

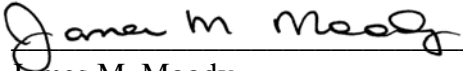
In his motion for temporary restraining order or preliminary injunction, Plaintiff contends that he is not receiving his legal mail due to the actions of the United States Clerk's Office, Warden Burl and/or mailroom staff. He asks the Court to strictly prohibit the Clerks, Defendants, Warden Burl and/or mailroom staff "and any other staff handling mail from any further legal mail infringements and any other form of retaliation against [him]." In response, Defendants reaffirm that the remaining Defendants Skinner, Smart, and Hudson do not work at the East Arkansas Regional Unit where Plaintiff is housed and, therefore, do not have access to Plaintiff's mail. There is no evidence that mailroom staff or Clerk's Office staff are retaliating against the Plaintiff by failing to deliver his legal mail. Therefore, the Court cannot conclude that Mr. Cantrell faces a danger of irreparable harm. And without the threat of actual harm – as opposed to possible harm – the Court cannot issue a preliminary injunction. *Mid-Am. Real Estate Co. v. Iowa Realty Co.*, 406 F.3d 969, 977 (8th Cir. 2005); *Randolph v. Rodgers*, 170 F.3d

850, 857 (8th Cir. 1999) (citing *Dataphase Sys. v. C.L. Sys.*, 640 F.2d 109, 113 (8th Cir. 1981)).

Finally, Plaintiff requests a copy of docket entry #37 and a copy of the docket list in this case. A copy of docket entry #37 was mailed to Plaintiff by the Court on July 26, 2012. Therefore, this request is denied. The Clerk is directed, however, to send Plaintiff an updated docket list of all the filings in this case.

In conclusion, Plaintiff's motion (Docket # 59) is GRANTED in part and DENIED in part. The Court will grant Plaintiff an additional thirty (30) days to file his objections to the Recommended Disposition, up to and including September 18, 2012. The Clerk is directed to send Plaintiff an updated docket list of all the filings in this case. Plaintiff's motion for temporary restraining order (Docket # 56 and 59) is DENIED.

IT IS SO ORDERED, this 21st day of August, 2012.



James M. Moody
United States District Judge