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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GREGORIO FUNTANILLA, JR.,

Plaintiff,

v.

ROMAN W. WILLIAMS, et al.,

Defendants.

CASE NO. 1:10-CV-01624-DLB PC

ORDER DENYING PLAINTIFF’S MOTIONS
FOR PRELIMINARY INJUNCTIVE RELIEF

(DOCS. 7, 8, 10)

Plaintiff Gregorio Funtanilla, Jr., (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court are Plaintiff’s motion for preliminary injunctive relief, filed October 4, 2010, October 12, 2010, and December 20, 2010. Docs. 7, 8, 10.

A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Natural Res. Def. Council, Inc.*, 129 S. Ct. 365, 374 (2008) (citations omitted). The purpose of preliminary injunctive relief is to preserve the status quo or to prevent irreparable injury pending the resolution of the underlying claim. *Sierra On-line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir. 1984). “A preliminary injunction is an extraordinary remedy never awarded as of right.” *Winter*, 129 S. Ct. at 376. An injunction may only be awarded upon a clear showing that the movant is entitled to relief. *Id.*

1 First, Plaintiff attempts to supplement his motions for preliminary injunction. The
2 Court's Local Rules do not provide for submission of piecemeal motions in this manner. *See*
3 L.R. 230(1); *cf.* L.R. 220 (regarding pleadings, amendments to pleadings must be complete in
4 itself without reference to prior or superseded pleadings) . Additionally, by separate order, the
5 Court dismissed Plaintiff's complaint. Thus, Plaintiff has not sufficiently demonstrated the
6 likelihood of success on the merits of his claim. Accordingly, it is HEREBY ORDERED that
7 Plaintiff's motions for preliminary injunction, filed October 4, 2010, October 12, 2010, and
8 December 20, 2010, are denied.

9
10 IT IS SO ORDERED.

11 Dated: May 3, 2011

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE