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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY RAY EVANS,

Plaintiff,

v.

GONZALEZ, et al.,

Defendants.

CASE NO. 1:10-CV-01680-DLB PC

ORDER DENYING PLAINTIFF’S MOTIONS
FOR TEMPORARY RESTRAINING
ORDER/PRELIMINARY INJUNCTION

(DOCS. 13, 15)

Plaintiff Anthony Ray Evans (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis 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 November 1, 2010 and January 12, 2011. Docs. 13, 15.

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 Pursuant to the Prison Litigation Reform Act,

2 [i]n any civil action with respect to prison conditions, to the extent otherwise
3 authorized by law, the court may enter a temporary restraining order or an order
4 for preliminary injunctive relief. Preliminary injunctive relief must be narrowly
5 drawn, extend no further than necessary to correct the harm the court finds
6 requires preliminary relief, and be the least intrusive means necessary to correct
7 that harm. The court shall give substantial weight to any adverse impact on public
8 safety or the operation of a criminal justice system caused by the preliminary
9 relief.

10 18 U.S.C. § 3626(a)(2).

11 Plaintiff requests as relief, *inter alia*, that he be placed on single cell status. *See* Pl.'s
12 Mot., Doc. 13; Pl.'s Mot., Doc. 15. Plaintiff's motion is deficient for several reasons. By
13 separate order, the Court dismissed Plaintiff's complaint for failure to state a claim. Plaintiff has
14 not demonstrated the likelihood of success on the merits. *Winter*, 129 S. Ct. at 374. A grant of
15 preliminary injunctive relief at this stage of the proceedings would thus not be narrowly drawn.

16 18 U.S.C. § 3626(a)(2).

17 Based on the foregoing, it is HEREBY ORDERED that Plaintiff's motion for preliminary
18 injunctive relief, filed November 1, 2010 and January 12, 2011, are denied.

19 IT IS SO ORDERED.

20 **Dated: May 2, 2011**

21 **/s/ Dennis L. Beck**
22 **UNITED STATES MAGISTRATE JUDGE**