

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

APR 12 2006

GREGORY C. LANGHAM  
CLERK

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Civil Action No. 06-cv-00560-BNB

GREGORY DEAN ALBRIGHT,

Plaintiff,

v.

THE COLORADO DEPT. OF CORRECTIONS, and  
HUERFANO COUNTY CORRECTIONAL CENTER,

Defendants.

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ORDER

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Plaintiff has filed *pro se* on March 20, 2006, a "Petition for a Temporary Restraining Order <combined with> a Motion for a Preliminary Injunction." Plaintiff alleges that he is a jailhouse lawyer and that on March 13, 2006, prison officials confiscated from his cell litigation documents he had prepared in connection with lawsuits filed by three other inmates. He asks that the seized documents and his status as a jailhouse lawyer be protected. For the reasons stated below, the motion will be denied.

A party seeking a preliminary injunction must show a substantial likelihood of prevailing on the merits, that he will suffer irreparable injury unless the injunction issues, that the threatened injury outweighs whatever damage the proposed injunction may cause the opposing party, and that the injunction, if issued, would not be adverse to the public interest. *See Lundgrin v. Claytor*, 619 F.2d 61, 63 (10<sup>th</sup> Cir. 1980). Similarly, a party seeking a temporary restraining order must demonstrate clearly, with specific

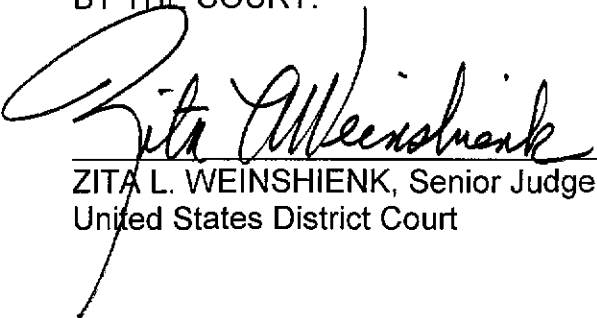
factual allegations, that immediate and irreparable injury will result unless a temporary restraining order is issued. **See** Fed. R. Civ. P. 65(b).

Plaintiff fails to allege specific facts that demonstrate he is facing immediate and irreparable injury. The seized documents do not relate to cases in which Plaintiff is a party. Furthermore, Plaintiff does not have a protected right to be a jailhouse lawyer. **See *Smith v. Maschner***, 899 F.2d 940, 950 (10<sup>th</sup> Cir. 1990). Accordingly, it is

ORDERED that the "Petition for a Temporary Restraining Order <combined with> a Motion for a Preliminary Injunction." filed on March 20, 2006, is denied.

DATED at Denver, Colorado, this 11 day of April, 2006.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge  
United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 06-cv-00560-BNB

Gregory Dean Albright  
Prisoner No. 95774  
Huerfano County Corr. Center  
304 Ray Sandoval Street  
Walsenburg, CO 81089

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 4-12-06

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_

  
Deputy Clerk