

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02612-BNB

JAMES K. CONKLETON,

Plaintiff,

v.

ARISTEDES W. ZAVARAS, Executive Director of the Colorado Department of Corrections ("CDOC") in his official capacity,
JOE STOMMEL, in his official capacity as the Program Administrator of the Sex Offender Treatment and Monitoring Program ("SOTMP") for the CDOC,
JOHN P. MCGILL, in his individual and official capacity as Treatment provider for the CDOC's SOTMP,
BONNIE CANTU, in her individual and official capacity as Treatment provider for the CDOC's SOTMP,
JAMES LANDER, in his individual and official capacity as Treatment provider for the CDOC's SOTMP,
BURL McCULLAR, in his official capacity as Treatment provider for the CDOC's SOTMP,
ANTHONY DeCESARO, in his official capacity as the Step III Grievance Officer for the CDOC's SOTMP,
AL ESTEP, in his official capacity as the Warden of the CDOC's Fremont Corr. Facility,
JOHN HYATT, in his official capacity as Correctional Officer IV for the CDOC,
ED MURO, in his individual and official capacity as a Correctional Officer I for the CDOC,
RICHARD DeGROOT, in his individual and official capacity as Case Manager for the CDOC,
THOMAS MISEL, in his official capacity as Case Manager Supervisor for the CDOC, and, he is also sued in is individual capacity,
ANTHONY PIPER, in his official capacity as Correctional Officer III for the CDOC,
RICHARD LIND, in his official capacity as Correctional Officer V for the CDOC, and
CATHIE HOST, in her official capacity as Manager for the Office of Corr. Legal Services for the CDOC,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
JAN 21 2009
GREGORY C. LANGHAM
CLERK

ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, James K. Conkleton, is a prisoner in the custody of the Colorado Department of Corrections (DOC) who currently is incarcerated at the Sterling, Colorado, Correctional Facility. He has filed **pro se** a civil rights complaint pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3). He has been granted leave to proceed **in forma pauperis** pursuant to 28 U.S.C. § 1915.


On January 8, 2009, Mr. Conkleton submitted to and filed with the Court **pro se** a motion titled "Plaintiff's Motion for Preliminary Injunction." The Court must construe the motion liberally because Plaintiff is not represented by an attorney. **See Haines v. Kerner**, 404 U.S. 519, 520-21 (1972); **Hall v. Bellmon**, 935 F.2d 1106, 1110 (10th Cir. 1991). For the reasons stated below, the motion will be denied.

Mr. Conkleton alleges that he is being denied access to the DOC's sex offender treatment program. As a result, he complains that he is being denied certain privileges and that he will be denied parole without successful participation in the program. 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 (10th Cir. 1980). Plaintiff fails to allege facts that demonstrate he is facing immediate and irreparable injury. Accordingly, it is

ORDERED that the motion titled "Plaintiff's Motion for Preliminary Injunction" that Plaintiff, James K. Conkleton, submitted to and filed with the Court on January 8, 2009, is denied.

DATED at Denver, Colorado, this 21 day of Jan, 2009.

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. 08-cv-02612-BNB

James K. Conkleton
Prisoner No. 108986
Sterling Correctional Facility
PO Box 6000
Sterling, CO 80751

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 12/1/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk