

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 08-cv-02624-PAB

STEPHAN DARRIS,

Plaintiff,

v.

D/S PUGLIESE,
D/S SHAFFER,
D/S ST. GERMAIN,
LPN ROY, and
D/S DAUGHERTY,

Defendants.

ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff, Stephan Darris, currently is incarcerated at the Denver County Jail. He filed *pro se* an amended civil rights complaint pursuant to 42 U.S.C. § 1983. He has been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 without payment of an initial partial filing fee.

On January 9, 2009, the same day this action was drawn to me, Mr. Darris filed *pro se* a motion for a temporary restraining order and a supporting document titled "Information for Temporary Restraining Order." I must construe liberally the motion and supporting document because Mr. Darris 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). However, I should not be an advocate for a *pro se* litigant. See *Hall*, 935 F.2d at 1110. For the reasons stated below, the motion for a temporary restraining

order will be denied.

In the liberally construed motion for a temporary restraining order, Mr. Darris makes the vague and conclusory allegations that deputy sheriff Daugherty assaulted and is harassing him. In the supporting document, he clarifies that he only seeks a restraining order against deputy sheriff Daugherty.

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).

Mr. Darris fails to allege specific facts that demonstrate he is facing immediate and irreparable injury. Although in the complaint he asserts that on December 16, apparently in 2008, deputy sheriff Daugherty forcibly removed his wedding band, causing injury to his finger, he does not assert that he now is in immediate danger of being assaulted. Accordingly, it is

ORDERED that the motion for a temporary restraining order that Plaintiff, Stephan Darris, filed with the Court on January 9, 2009, is DENIED.

DATED at Denver, Colorado, this 12th day of January, 2009.

BY THE COURT:

s/ Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge