

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00558-BNB

TERRY L. NICHOLS,

Plaintiff,

v.

UNITED STATES OF AMERICA,
FEDERAL BUREAU OF PRISONS,
HARLEY LAPPIN,
JANE DOE,
MICHAEL NALLEY,
MS. PERRY,
RON WILEY,
ROD BAUER,
DR. LAWRENCE LEYBA, M.D.,
DR. STEPHEN NAFZIGER, M.D.,
N. GLADBACH,
M. A. KELLAR,
M. SCHIEFELBEIN,
UNKNOWN ADX STAFF ACTORS,
MR. JONES (DERRICK),
DARRON GALL, and
KEITH POWLEY,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 16 2009

GREGORY C. LANGHAM
CLERK

ORDER DENYING MOTION TO ALTER
OR AMEND APRIL 23, 2009, ORDER
AND DENYING MOTION TO SUPPLEMENT

Plaintiff Terry L. Nichols is in the custody of the United States Bureau of Prisons and currently is incarcerated at ADX Florence. On March 30, 2009, Mr. Nichols filed a Motion for Preliminary Injunction (Doc. # 4), which this Court denied on April 23, 2009, as part of the initial review of Mr. Nichols' pleadings. Subsequent to the denial of Mr. Nichols' March 30, 2009, Motion for Preliminary Injunction, the Complaint and action

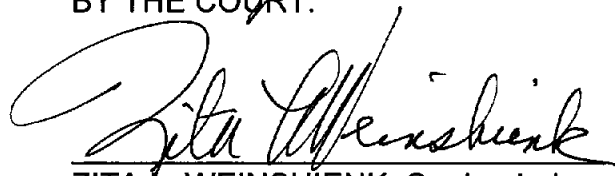
were drawn to District Judge Christine M. Arguello, on April 24, 2009, for further review of the merits of the Complaint. On May 7, 2009, Mr. Nichols filed a "Motion to Alter or Amend Judgment" (Doc. # 21), in which he requested reconsideration of this Court's April 23, 2009, Order. He also filed a "Motion for Leave to Supplement 'Plaintiff's Motion to Alter or Amend Judgement [sic]'" (Doc. # 46), on July 8, 2009.

Upon review of the March 30, 2009, Motion for Preliminary Injunction, the Motion to Alter or Amend, and the Motion to Supplement, this Court finds no basis to vacate the April 23, 2009, Order. Again, as the Court stated in the April 23, 2009, Order, Mr. Nichols failed, in the March 30, 2009, Motion, to assert specific claims of immediate and irreparable injury that are caused by the lack of insoluble fiber in his diet. To the extent Mr. Nichols seeks to raise additional facts in support of a motion for injunctive relief, as he has attempted to do in the Motion to Alter or Amend and in the Motion to Supplement, the claims are best presented in a new motion for injunctive relief before District Judge Christine M. Arguello. Accordingly, it is

ORDERED that Mr. Nichols' Motion to Alter or Amend Judgment (Doc. # 21) and his Motion for Leave to Supplement Motion to Alter and Amend Judgment (Doc. # 46) are denied.

DATED at Denver, Colorado, this 15 day of July, 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. 09-cv-00558-BNB

Terry L. Nichols
Reg. No. 08157-031
ADX - Florence
PO Box 8500
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 7/16/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk