

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUL 19 2011

GREGORY C. LANGHAM  
CLERK

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01676-BNB

EDMOND WALKER,

Plaintiff,

v.

STARK,

Defendant.

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ORDER DENYING MOTION FOR INJUNCTIVE RELIEF

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This matter is before the Court on the document titled "Order to Force" that Plaintiff, Edmond Walker, submitted to and filed with the Court *pro se* on July 13, 2011. Mr. Walker currently is incarcerated at the Jefferson County Detention Center in Golden, Colorado, and has filed an amended complaint concerning Defendant's allegedly illegal confiscation of his bicycle. He complains that he needs access to civil law books in order to be able to litigate this lawsuit, does not know how to access the detention center computer, and no paralegals are available to assist him.

The Court must construe the document liberally because Mr. Walker 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, the Court should not be an advocate for a *pro se* litigant. *See Hall*, 935 F.2d at 1110. For the reasons stated below, the document will be construed liberally as a motion for injunctive relief, and 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 (10th 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).

A preliminary injunction is an extraordinary remedy and “the primary goal of a preliminary injunction is to preserve the pre-trial status quo.” ***RoDa Drilling Co. v. Siegal***, 552 F.3d 1203, 1208 (10th Cir. 2009). Therefore, “courts should be especially cautious when granting an injunction that requires the nonmoving party to take affirmative action - a mandatory preliminary injunction - before a trial on the merits occurs.” ***Id.*** Because Mr. Walker is seeking a mandatory preliminary injunction that seeks to alter the status quo, he must make a heightened showing of the four factors listed above. **See *id.*** at 1209.

Mr. Walker does not demonstrate a substantial likelihood of prevailing on the merits, that he will suffer irreparable injury if no preliminary injunction is issued, that his threatened injuries outweigh whatever damage the proposed injunction may cause the opposing party, or that a preliminary injunction would not be adverse to the public interest. Likewise, Mr. Walker does not demonstrate how his difficulties with the detention center law library interfere with his court access in the instant action in such a

way as to cause him irreparable injury.

Mr. Walker does not allege that he actually has been impeded in his ability to conduct this case. **See *Lewis v. Casey***, 518 U.S. 343 (1996). The right of access to the courts extends only as far as protecting an inmate's ability to prepare initial pleadings in a civil rights action regarding his current confinement or in an application for a writ of habeas corpus. **See *Wolff v. McDonnell***, 418 U.S. 539, 576 (1974); ***Carper v. DeLand***, 54 F.3d 613, 617 (10th Cir. 1995). An inmate must satisfy the standing requirement of "actual injury" by showing that the denial of legal resources hindered his efforts to pursue a non-frivolous claim. ***Lewis***, 518 U.S. at 349-53.

In ***Lewis***, the Supreme Court cited two examples of when an inmate's efforts to pursue a legal claim may be hindered. First, an inmate's efforts may be hindered when a complaint prepared by an inmate is dismissed for failure to satisfy a technical requirement due to deficiencies in a prison's legal assistance facilities. ***Id.*** at 351. In addition, an inmate's efforts would be hindered when an inmate is so stymied by inadequacies of the law library that he is unable to file a complaint. ***Id.***

Neither example set forth in ***Lewis*** is at issue in this action. Mr. Walker has failed to state an actual injury in his ability to pursue this action. **See *Lewis***, 518 U.S. at 349-53. The motion for injunctive relief will be denied.

Accordingly, it is

ORDERED that the document titled "Order to Force" that Plaintiff, Edward Walker, filed with the Court July 13, 2011, and which the Court has treated as a motion for injunctive relief, is denied.

DATED at Denver, Colorado, this 19<sup>th</sup> day of July, 2011.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK  
Senior Judge, United States District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**CERTIFICATE OF MAILING**

Civil Action No. 11-cv-01676-BNB

Edmond Walker  
Prisoner No. P01059059  
Jefferson County Detention Center  
PO Box 16700  
Golden, CO 80402

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on July 19, 2011.

GREGORY C. LANGHAM, CLERK

By:  \_\_\_\_\_  
Deputy Clerk