

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00431-BNB

SAM ROZENBERG,

Plaintiff,

v.

JUDITH KNIGHT, and
MIKE PEREZ,

Defendants.

ORDER

Plaintiff, Sam Rozenberg, is a state prisoner who currently is incarcerated at the Arkansas Valley Correctional Facility in Crowley, Colorado. On February 17, 2012, Mr. Rozenberg, acting *pro se*, filed a "Motion for Injunction Order." In the Motion, Mr. Rozenberg requests that the Court enjoin Defendants from transferring him to another correction facility in retaliation for filing this action. Mr. Rozenberg asserts that he was moved from the Fremont Correctional Facility to the Arkansas Valley Correctional Facility in 2009 after he was sexually assaulted and a transfer will seriously threaten his life and safety. For the following reasons, the Motion will be denied.

A party seeking a preliminary injunction must show (1) a substantial likelihood of prevailing on the merits; (2) he will suffer irreparable injury unless the injunction issues; (3) the threatened injury outweighs whatever damage the proposed injunction may cause the opposing party; and (4) the injunction, if issued, would not be adverse to the public interest. ***See Lundgrin v. Claytor***, 619 F.2d 61, 63 (10th Cir. 1980).

Mr. Rozenberg fails to allege specific facts that demonstrate he is facing immediate and irreparable injury. Although Mr. Rozenberg asserts in his Complaint that he was attacked in 2009 while he was housed at the Fremont facility, he does not assert that he now is in immediate danger of being attacked where he is housed or that even if he is transferred to another prison facility he will be placed by the inmates who attacked him in 2009. Mr. Rozenberg's claim of future injury is speculative. Accordingly, it is

ORDERED that the Motion for an Injunction Order, Doc. No. 3, filed on February 17, 2012, is DENIED.

DATED at Denver, Colorado, this 14th day of March, 2012.

BY THE COURT:

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