

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00111-BNB

JOE M. TONEY, JR.,

Plaintiff,

v.

WARDEN BERKEBILE,  
A.W. HALL,  
A.W. KUTA,  
S.I.S. REDDEN,  
R. MARTINEZ,  
MS. RANGEL,  
MS. SUDLOW, and  
MR. MADISON,

Defendants.

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ORDER

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Plaintiff, Joe M. Toney, Jr., is a federal prisoner who currently is incarcerated at the United States Penitentiary in Florence, Colorado. On February 15, 2013, Plaintiff, acting *pro se*, filed a "Motion to Resubmit and Amend Motion for a Preliminary Injunction," ECF No. 19. Plaintiff also filed a Motion for Preliminary Injunction, ECF No. 1, when he initiated this action.

The Motions seek the same relief. Plaintiff requests that the Court enjoin Defendants from interfering with his mail, access to the courts, and ability to file administrative remedies. Plaintiff further requests that Defendants be enjoined from harassing, disrespecting, and threatening him. For the following reasons, the Motions 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).

Plaintiff fails to allege specific facts that demonstrate he is facing immediate and irreparable injury. The requests for injunctive relief do not address a claim of immediate and irreparable harm and are only requests that may be granted if the Court were to rule in his favor in this case. Accordingly, it is

ORDERED that the Motions requesting a preliminary Injunction, ECF Nos. 1 and 19, are DENIED.

DATED at Denver, Colorado, this 8<sup>th</sup> day of March, 2013.

BY THE COURT:

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