## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

٠

KEVIN L. DICKENS,		
	Plaintiff,	
v.		
JOSEPH BELANGER, F	ET AL.,	
	Defendants.	

C. A. No. 04-201-LPS

**MEMORANDUM ORDER** 

At Wilmington, this 24th day of May, 2013:

The Court having considered the parties' respective letters dated May 21, 2013 (D.I. 277;

D.I. 278), as well as Defendants' Rule 50 Motion on Plaintiff's Request for Injunctive Relief (the

"Motion") (D.I. 271), and Plaintiff's response thereto (D.I. 273);

IT IS HEREBY ORDERED that:

1. Defendants' Motion (D.I. 271) is GRANTED.

a. As set forth in the Final Pretrial Order, under the heading "VII. Damages,"

Plaintiff seeks permanent injunctive relief in the form of a restraining order against defendants,

as well as a transfer to another prison in Delaware. (See D.I. 234 at 38)

b. In support of his request for equitable relief, counsel for Plaintiff stated

during argument on Defendants' Rule 40 Motion:

As to the equitable relief, I believe that there are some defendants that are still present at the prison. Those defendants would still be a danger to Mr. Dickens, and he is still pursuing the equitable relief as to those defendants. (Apr. 19, 2013 Hr'g Tr. at 773-74 (D.I. 278 Ex. 3))

c. When asked if "there [was] anything in the record" as of the close of Plaintiff's case "from which [the Court] could find that some of the defendants are still present where they would have the ability to potentially harm [Plaintiff], and therefore provide arguably a basis for relief," Plaintiff's counsel responded in the negative. (*See id.* at 774)

d. Subsequently, the jury determined that none of the Defendants had violated Plaintiff's constitutional rights. (*See* D.I. 268) As Defendants point out, pursuant to the Prison Litigation Reform Act, 18 U.S.C. § 3626 (a)(1)(A), "[p]rospective relief in any civil action with respect to prison conditions shall extend no further than necessary *to correct the violation of the Federal right of a particular plaintiff* or plaintiffs" (emphasis added). Here, no violation of a federal right has been demonstrated.

2. The Court will enter a form of Judgment consistent with this Order and the verdict rendered by the jury in this case. (D.I. 268) Such a form of Order has been proposed by Defendants. (D.I. 276 Ex. 1)

Lel.

UNITED STATES DISTRICT JUDGE