

IN THE UNITED STATES DISTRICT COURT
OR THE DISTRICT OF DELAWARE

DEVIN L. COLEMAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civ. No. 18-253-CFC
	:	
CONNECTIONS COMMUNITY SUPPORT PROGRAMS, INC.,	:	
	:	
Defendant.	:	

MEMORANDUM

I. INTRODUCTION

Plaintiff Devin L. Coleman (“Plaintiff), an inmate at the James T. Vaughn Correctional Center (“VCC”) in Smyrna, Delaware, filed this lawsuit pursuant to 42 U.S.C. § 1983 alleging violation of his constitutional rights. (D.I. 3, 5.) He appears *pro se* and was granted permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

II. BACKGROUND

Plaintiff seeks a temporary restraining order and preliminary injunction to remove him from a medically prescribed diet due to fish/seafood/shellfish allergies so that he may be placed on a Kosher diet. (D.I. 24.) The Court ordered the VCC Warden and Defendant Connections Community Support Programs, Inc. to respond to the motion.¹ They oppose. (D.I. 28, 29) Plaintiff filed a reply and asks the Court to grant his motion. (D.I. 31)

¹ In its opposition, Connections states that it has not been served or waived service in this matter. According to the court docket, the Court entered a service order on October 3, 2018, and the Court receipt indicates it was served upon counsel for Connections. (See D.I. 23)

Plaintiff tested negative to the known food allergens. (D.I. 29-1) On October 30, 2018, Plaintiff was removed from the allergy diet due to blood test results and Plaintiff's refusal to remain on the diet. (*Id.*) Connections cannot order religious diets. (*Id.*)

III. STANDARDS OF LAW

A preliminary injunction is “an extraordinary remedy that should be granted only if: (1) the plaintiff is likely to succeed on the merits; (2) denial will result in irreparable harm to the plaintiff; (3) granting the injunction will not result in irreparable harm to the defendant; and (4) granting the injunction is in the public interest.” *NutraSweet Co. v. Vit-Mar Enterprises, Inc.*, 176 F.3d 151, 153 (3d Cir. 1999) (“*NutraSweet II*”). The elements also apply to temporary restraining orders. *See NutriSweet Co. v. Vit-Mar Enterprises, Inc.*, 112 F.3d 689, 693 (3d Cir. 1997) (“*NutraSweet I*”) (a temporary restraining order continued beyond the time permissible under Rule 65 must be treated as a preliminary injunction, and must conform to the standards applicable to preliminary injunctions). “[F]ailure to establish any element in [a plaintiff’s] favor renders a preliminary injunction inappropriate.” *NutraSweet II*, 176 F.3d at 153. Furthermore, because of the intractable problems of prison administration, a request for injunctive relief in the prison context must be viewed with considerable caution. *Rush v. Correctional Med. Services, Inc.*, 287 F. App’x 142, 144 (3d Cir. 2008) (citing *Goff v. Harper*, 60 F.3d 518, 520 (8th Cir. 1995)).

IV. DISCUSSION

Inasmuch as Plaintiff is no longer on the medical diet, injunctive relief may not issue. “The relevant inquiry is whether the movant is in danger of suffering irreparable

harm at the time the preliminary injunction is to be issued.” *SI Handling Sys., Inc. v. Heisley*, 753 F.2d 1244, 1264 (3d Cir. 1985). Because Plaintiff no longer receives a medical diet, it is impossible for him to suffer irreparable harm. Moreover, Connections, the only named Defendant, cannot order religious diets as its authority is limited to medically necessary diets.

V. CONCLUSION

For the above reasons, the Court will deny as moot the motion for a temporary restraining order and preliminary injunction. (D.I. 24)

An appropriate Order follows.


UNITED STATES DISTRICT JUDGE

December 6, 2018.
Wilmington, Delaware