



interest. *See Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1034-35 (11th Cir. 2001); *see also Schiavo ex. rel. Schindler v. Schiavo*, 403 F.3d 1223, 1231 (11th Cir. 2005) (noting that temporary injunctive relief is an “extraordinary and drastic remedy” that is “not to be granted unless the movant clearly establishes the burden of persuasion as to the four prerequisites”) (internal quotation marks omitted).

In this case, Plaintiff has not shown that DSP officials are preventing him from observing Passover by withholding properly-delivered religious items, or by threatening to do so. In his motion, Plaintiff contends that prison officials have withheld unspecified “Passover items” that were mailed by Plaintiff’s family members to the prison chaplain rather than to Plaintiff. Plaintiff further contends that he is being held in disciplinary segregation due to the error in the address of the package. According to Plaintiff’s motion, officials have stated that Plaintiff would not be allowed to observe Passover while in segregation.

In her affidavit in response to Plaintiff’s motion, Deputy Warden Chaney testifies that Plaintiff placed a request for several items related to the observance of Passover and that Plaintiff was instructed on the proper method for delivery of such items. Chaney testifies that the chaplain received a package containing “anointing oil,” an item not commonly associated with the observance of Passover. Because the oil was “not sent via the appropriate mechanisms,” Plaintiff was not allowed to receive it and was issued a disciplinary report. Chaney notes that the Passover-related items specifically requested by Plaintiff and approved by DSP officials have not yet been received. She assures the Court that further approved Passover items will be provided to Plaintiff upon receipt.

In light of this evidence that prison officials are not presently interfering with Plaintiff’s right to observe Passover, Plaintiff has not demonstrated a substantial likelihood of success on

the merits of any claim related to his present observance of Passover. He has also failed to demonstrate that the issuance of a temporary restraining order would serve to present irreparable injury, as any delay in the delivery of his Passover items does not appear to be attributable to prison officials. Of course, the merits of Plaintiff's 2013 Passover-observance claim are not now at issue, so the instant Order has no bearing on Plaintiff's underlying action. Accordingly, it is hereby **ORDERED** that Plaintiff's motion for a temporary restraining order (Doc. 12) be **DENIED**.

**SO ORDERED**, this 14th day of April, 2014.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT