

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

BARRY W. MATLOCK,

Plaintiff,

v.

PORTER, et al.,

Defendants.

CAUSE NO.: 3:18-CV-1007-JD-MGG

OPINION AND ORDER

Barry W. Matlock, a prisoner without a lawyer, filed a motion for a preliminary injunction asking that this court order that he be transferred to another facility for his safety and security, and that he be separated from Sgt. Coyers, Sgt. Franklin, Sgt. Yancy, Sgt. Flakes, Sgt. Mottshagen, and Officer Porter. Matlock, however, has not filed a complaint. In the absence of a complaint, it is impossible for the court to determine if a preliminary injunction is appropriate. "A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. NRDC, Inc.*, 555 U.S. 7, 20 (2008). This determination cannot be made without knowing who Matlock is suing and why he believes they are liable to him.

In his complaint, Matlock needs to clearly state who he is suing and why he is suing them. As the instructions on the court's complaint form explain, Matlock needs to write a short and plain statement telling what each defendant did wrong. He needs to

explain when, where, why, and how each defendant violated his rights. He needs to include every fact necessary to explain his case and describe his injuries or damages. He needs to use each defendant's name every time he refers to that defendant.

Additionally, Matlock has neither paid the filing fee nor sought leave to proceed in forma pauperis. Matlock must resolve his filing fee status by either paying the filing fee or filing an application to proceed in forma pauperis and with a copy of his inmate trust fund ledger for the past six months.

For these reasons, the court:

- (1) DENIES Barry W. Matlock's motion for preliminary injunction (ECF 2);
- (2) DIRECTS the clerk to place this cause number on a blank Prisoner Complaint form (INND Rev. 8/16) and a blank Prisoner In Forma Pauperis Motion, AO 240 (Rev. 7/10) (INND Rev. 8/16) and send them to Barry W. Matlock;
- (3) GRANTS Barry W. Matlock until **January 14, 2019**, to file a complaint in this case;
- (4) CAUTIONS Barry W. Matlock that, if he does not respond by the deadline, this case will be dismissed without further notice.

SO ORDERED on December 17, 2018

 /s/ JON E. DEGUILIO
JUDGE
UNITED STATES DISTRICT COURT