

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

MICHAEL BRUNO,

Plaintiff,

v.

HYATTE, et al.,

Defendants.

CAUSE NO. 3:20-CV-800-JD-MGG

OPINION AND ORDER

Michael Bruno, a prisoner without a lawyer, filed a complaint and a motion seeking preliminary injunctive relief. ECF 1; ECF 4. The purpose of preliminary injunctive relief is to minimize the hardship to the parties pending the ultimate resolution of the lawsuit." *Platinum Home Mortg. Corp. v. Platinum Fin. Group, Inc.*, 149 F.3d 722, 726 (7th Cir. 1998). "In order to obtain a preliminary injunction, the moving party must show that: (1) they are reasonably likely to succeed on the merits; (2) no adequate remedy at law exists; (3) they will suffer irreparable harm which, absent injunctive relief, outweighs the irreparable harm the respondent will suffer if the injunction is granted; and (4) the injunction will not harm the public interest." *Joelner v. Village of Washington Park, Illinois*, 378 F.3d 613, 619 (7th Cir. 2004). "A potential injury is irreparable when the threatened harm would impair the court's ability to grant an effective remedy." *EnVerve, Inc. v. Unger Meat Co.*, 779 F. Supp. 2d 840, 844 (N.D. Ill. 2011). "Irreparable harm is harm which cannot be repaired, retrieved, put down again, [or] atoned for. The injury must be of a particular nature, so that compensation in

money cannot atone for it." *Graham v. Med. Mut. of Ohio*, 130 F.3d 293, 296 (7th Cir. 1997).

Bruno's complaint alleges that, in July 2020, Officer McGee directed that Bruno's cell be shaken down on five occasions. He did not find contraband on any of those occasions. He indicated, however, that he would keep shaking down McGee until he found something and could write him up. During the shake downs, some of Bruno's personal property was taken and ultimately destroyed. Bruno's motion for preliminary injunction asks the court to order Officer McGee to stop harassing him and stop shaking his cell down immediately. The harm Bruno alleges - an excessive number of shake downs - is not the sort of harm for which a preliminary injunction is warranted. Bruno's complaint will be screened pursuant to 28 U.S.C. § 1915A at a later date.

For these reasons, the motion for preliminary injunction (ECF 4) is DENIED.

SO ORDERED on September 25, 2020

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