

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DURELL T. CRAIN,

Plaintiff,

v.

RON NEAL *et al.*,

Defendants.

CAUSE NO. 3:23-CV-262-DRL-JEM

OPINION AND ORDER

Durell T. Crain, a prisoner without a lawyer, filed an amended complaint seeking monetary damages. ECF 56. The amended complaint has not yet been screened by the court. However, Mr. Crain has now filed a motion seeking preliminary injunctive relief. ECF 59.

“[A] preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, *by a clear showing*, carries the burden of persuasion.” *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997). “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. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

The motion alleges facts not included in the amended complaint, including allegations regarding the use of a video camera to monitor activities in his cell. He seeks an injunction to fix the toilets in A block, an order that defendants to stop violating his

equal protection rights, and an order that the defendants employ someone to clean the showers in the unit. Because Mr. Crain seeks relief that falls outside the scope of the amended complaint, he can't demonstrate a reasonable likelihood of success on the merits.

For these reasons, the request for a preliminary injunction (ECF 59) is DENIED.

SO ORDERED.

January 23, 2024

s/ Damon R. Leichty _____
Judge, United States District Court