

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST. COURT
MIDDLE DISTRICT OF LA

2009 JUN 18 P 12:17

MERRICK CARTER (#314080)

BY DEBORAH L. CLARK
CIVIL ACTION

VERSUS

BURL CAIN - HEAD WARDEN, ET AL.

NO. 07-0116-JVP-DLD

ORDER

This matter comes before the Court on the plaintiff's motion for injunctive relief, rec.doc.no. 19.

The pro se plaintiff, an inmate confined at the Louisiana State Penitentiary ("LSP"), Angola, Louisiana, filed this action pursuant to 42 U.S.C. § 1983 against numerous LSP defendants, contending that the defendants have violated his constitutional rights by failing to provide him with timely receipt of his legal and personal mail.

The plaintiff now seeks injunctive relief to compel the defendants to "transfer the plaintiff to another institution." This request shall be denied. First, the plaintiff has no right to be incarcerated in a particular facility within the state. See Davis v. Carlson, 837 F.2d 1318 (5th Cir. 1988). Further, although the plaintiff alleges in conclusory fashion that he "fear[s] for his safty [sic] and fear[s] retaliation" if injunctive relief is not granted, his allegations are purely speculative, wholly conclusory and lacking in any factual detail to suggest the truth of his assertions or the reasonableness of his fears. There are insufficient allegations to suggest that the plaintiff faces a real danger of actual and immediate harm if injunctive relief is not granted. It appears, therefore, that the plaintiff's claims are susceptible of being adequately addressed in this ordinary proceeding. Moreover, he has failed to establish any of the four elements warranting such relief at the present

time: (1) irreparable injury, (2) an absence of harm to the defendants if injunctive relief is granted, (3) an interest consistent with the public good, and (4) a substantial likelihood of success on the merits. Canal Authority v. Callaway, 489 F.2d 567 (5th Cir. 1974). Accordingly,

IT IS ORDERED that the plaintiff's motion for injunctive relief, rec.doc.no. 19, be and it is hereby **DENIED**.

Baton Rouge, Louisiana, this 18th day of June, 2009.



JOHN V. PARKER
UNITED STATES DISTRICT JUDGE