

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST COURT
MIDDLE DIST OF LA

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LEROY FIELDS (#115883)

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VERSUS

CIVIL ACTION

SHIRLEY COODY, ET AL

NUMBER 08-175-JJB-DLD

RULING

Pro se plaintiff, an inmate confined at Louisiana State Penitentiary, Angola, Louisiana, filed this action pursuant to 42 U.S.C. § 1983 against Assistant Warden Shirley Coody, Maj. Jimmy Smith, classification officer K. Juneu, Capt. Chad, Lt. Donald Lamana and Sgt. Turner. Plaintiff alleged that the defendants failed to protect him from attack by a fellow inmate in violation of his constitutional rights.

Plaintiff also filed a motion for a temporary restraining order and a preliminary injunction seeking an order directing prison officials to ensure that correctional officers Chad Oubre and John Hughes refrain from threatening and harming him. Record document number 23.

In order to determine whether to issue a preliminary injunction the court must consider four factors:¹

1. the significance of the threat of irreparable harm to the plaintiff if the injunction is not granted;

¹ Wright and Miller, Federal Practice and Procedure: Civil, § 2948, et seq.

2. the state of balance between this harm and the injury that granting the injunction would inflict on the defendant;
3. the probability that the plaintiff will succeed on the merits; and
4. the public interest.

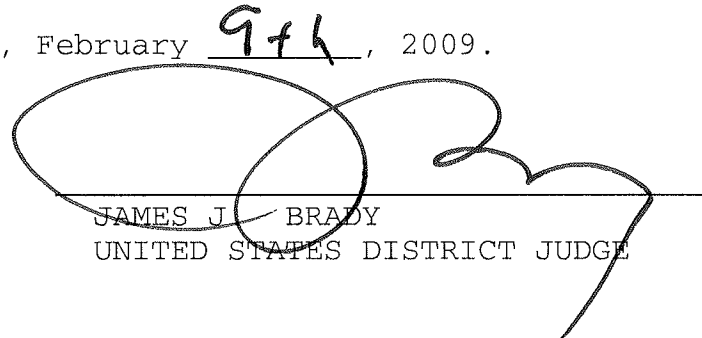
It is unlikely that the plaintiff will prevail on his claims against the defendants. Any harm which may come to the plaintiff is likely to be minor rather than irreparable and it can be compensated for monetarily should the plaintiff prevail in this action.

Additionally, the public interest in the issuance or denial of a preliminary injunction is minimal or non-existent in this case.

The plaintiff has not shown the exceptional circumstances needed for issuance of a temporary restraining order of the sort the plaintiff seeks. Therefore, his request for a temporary restraining order is denied.

It is further ordered that the plaintiff's request for a preliminary injunction be referred to the trial of this case.

Baton Rouge, Louisiana, February 9th, 2009.



JAMES J. BRADY
UNITED STATES DISTRICT JUDGE