

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

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

2009 APR 23 P 2:09

MANUEL PLAISANCE (#196480)

CIVIL ACTION

VERSUS

LOUISIANA STATE PENITENTIARY, ET AL.

NO. 08-0497-JVP-CN

RULING ON MOTION

This matter comes before the Court on the plaintiff's Motion for Preliminary Injunction, rec.doc.no. 3.

The pro se plaintiff, an inmate confined at the Louisiana State Penitentiary ("LSP"), Angola, Louisiana, brought this action pursuant to 42 U.S.C. § 1983 against numerous prison officials, complaining that the defendants have violated his constitutional rights in numerous respects, specifically through interference with his legal and personal mail, through deliberate indifference, through physical and verbal abuse and harassment, through false disciplinary reports, through deprivation of his legal and personal property and through the use of excessive force.

In the plaintiff's motion for preliminary injunctive relief, he merely asserts, in wholly conclusory fashion, that the defendants have "evidently orchestrated a pattern of numerous retaliatory acts ... including a physical attack ... [and] deliberate indifference to plaintiff's rights". He prays for a vague and nonspecific order directing the defendants, "to provide plaintiff with guaranteed safeguard of his constitutional rights".

The Court concludes that the plaintiff is not entitled to the relief requested. His motion and supporting memorandum provide no facts and,

instead, recite the mere boilerplate assertion that he will suffer unstated irreparable injury if injunctive relief is not granted. On the record before the Court, therefore, the plaintiff has not made out a showing of entitlement to injunctive relief, and it appears that his claims are susceptible of being adequately addressed in this ordinary proceeding. Accordingly, the Court concludes that the plaintiff's request for injunctive relief does not present an issue ripe for such relief. Specifically, the plaintiff has failed to establish any of the four elements warranting such relief: (1) a likelihood of irreparable injury, (2) an absence of harm to the defendants if the injunction 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). Therefore,

IT IS ORDERED that the plaintiff's Motion for Preliminary Injunction, rec.doc.no. 3, be and it is hereby **DENIED**.

Baton Rouge, Louisiana, this 3rd day of March, 2009.

JAMES J. BRADY
(For)

~~JOHN V. PARKER~~
UNITED STATES DISTRICT JUDGE