

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

NAOMI SANDRES

VERSUS

LOUISIANA WORKFORCE
COMMISSION, ET AL

CIVIL ACTION

NO. 09-cv-652-BAJ-CN

RULING

This matter is before the Court on a motion by pro se plaintiff, Naomi Sandres, for a temporary restraining order and for preliminary injunction (doc. 61). No opposition is necessary for this Court's ruling.

In support of her present motion, plaintiff asserts that destruction of evidence would hurt her case by limiting her ability to prove it. Accordingly, plaintiff requests that the Court issue a temporary restraining order and preliminary injunction to prevent the destruction of any such evidence. The Court notes, however, that plaintiff's rights are protected by the spoliation doctrine, which provides that the "spoliation, destruction, mutilation, or alteration of evidence without satisfactory explanation gives rise to an inference unfavorable to the spoliator." CJS Evidence § 251; see also AMJUR TRIAL § 1100 (stating that "[t]he intentional spoliation or destruction of evidence relevant to a case raises an inference that this evidence would have been unfavorable"). Accordingly, the Court finds that plaintiff has failed

to satisfy her burden of proving that a substantial threat exists that she will suffer irreparable injury if the Court does not issue the requested injunctive relief. See, e.g., *Anderson v. Jackson*, 556 F.3d 351, 360 (5th Cir. 2009) (stating that “[s]pecifically, the movant must show: (1) a substantial likelihood that plaintiff will prevail on the merits, (2) a substantial threat that plaintiff will suffer irreparable injury if the injunction is not granted, (3) that the threatened injury to plaintiff outweighs the threatened harm the injunction may do to defendant, and (4) that granting the preliminary injunction will not disserve the public interest”).

For the above reasons, the motion by plaintiff, Naomi Sandres for a temporary restraining order and preliminary injunction (doc. 61) is hereby **DENIED**.

Baton Rouge, Louisiana, October 21, 2010.



BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA