

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

CARLOS MCGREW (#413135)

VERSUS

CIVIL ACTION

DR. JONATHAN ROUNDTREE, ET AL

NUMBER 09-859-JJB-SCR

**RULING ON MOTION TO RECONSIDER REQUEST FOR TRO/PI**

This matter is before the court on the plaintiff's Motion To Reconsider Request for T.R.O./P.I. Record document number 219.

On October 9, 2009, the plaintiff filed a motion for a temporary restraining order and preliminary injunction.<sup>1</sup> The motion was denied.<sup>2</sup> On December 9, 2009, the plaintiff filed an amended motion for a temporary restraining order and preliminary injunction.<sup>3</sup> The motion was denied.<sup>4</sup>

Plaintiff is now before the court seeking reconsideration of the denial of his prior motions for a temporary restraining order and preliminary injunction. Plaintiff seeks an order directing prison officials to have him examined by an orthopedic specialist.

In order to determine whether to issue a preliminary injunction the court must consider four factors:<sup>5</sup>

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<sup>1</sup> Record document number 3.

<sup>2</sup> Record document number 18.

<sup>3</sup> Record document number 20.

<sup>4</sup> Record document number 24.

<sup>5</sup> Wright and Miller, Federal Practice and Procedure: Civil, § 2948, et seq.

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

Although it remains unlikely that the plaintiff will prevail on his claims against the defendants, even if he were to prevail, 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.

Because the plaintiff has not shown the exceptional circumstances needed for issuance of a temporary restraining order of the sort the plaintiff seeks, 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, December 5<sup>th</sup>, 2012.

  
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JAMES J. BRADY  
UNITED STATES DISTRICT JUDGE