

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
2009 NOV 23 P 2:25

BRANDON LIZOTTE (#432994)

CIVIL ACTION

VERSUS

JAMES LEBLANC, ET AL.

NO. 09-0977-RET-CN

O R D E R

This matter comes before the Court on the plaintiff's request for a temporary restraining order and/or preliminary injunction. Rec.doc.no. 3.

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 Secretary James LeBlanc, Warden Burl Cain, Ass't. Warden Richard Peabody, Legal Programs Director Trish Foster, Lt. Cindy Vannoy, Msgt. Clara Knapps, Msgt. S. Davis, Msgt. D. Major, Msgt. Donna Ott and Msgt. Cynthia Nicholas, contending that the defendants have violated his constitutional rights through religious discrimination, improper refusal and confiscation of his incoming mail and publications, and retaliation in response to his exercise of First Amendment rights.

In the instant motion, the plaintiff seeks injunctive relief, compelling the defendants to discontinue the allegedly unfair application of the prison mail screening procedures so as to deprive him of incoming mail and publications, and to act more expeditiously on his administrative appeals of mail rejections. The plaintiff makes no showing, however, that he will suffer irreparable injury if injunctive relief is not granted. Specifically, 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, and his request for injunctive relief shall be denied. Specifically, the plaintiff has failed to sufficiently 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. 3, be and it is hereby **DENIED**, without prejudice to reconsideration of this issue upon dispositive motion or at trial on the merits of the plaintiff's claim.

Baton Rouge, Louisiana, this 23rd day of November, 2009.



RALPH E. TYSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT