

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JOHN H. JONES (#313554)

VERSUS

CIVIL ACTION

WEST BATON ROUGE SHERIFF'S
DEPARTMENT, ET AL

NUMBER 10-411-RET-SCR

RULING

Pro se plaintiff, an inmate confined at Louisiana State Penitentiary, Angola, Louisiana, filed this action pursuant to 42 U.S.C. § 1983 against the West Baton Rouge Parish Sheriff's Office and West Baton Rouge Parish. Plaintiff alleged that he was subjected to an illegal arrest and false imprisonment in violation of his constitutional rights.

Plaintiff also filed a motion for preliminary injunction. Record document number 6. Plaintiff sought an order directing prison officials to refrain from interfering with his legal mail while his claims are pending before this court.

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;
2. the state of balance between this harm and the

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

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.

Finally, 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 preliminary injunction of the sort the plaintiff seeks. Therefore, his request for a preliminary injunction is denied.

Baton Rouge, Louisiana, August 10, 2010.



RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA