

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JOHN H. JONES (#313554)

CIVIL ACTION

VERSUS

WARDEN CATHY FONTENOT, ET AL.

NO. 10-0806-FJP-CN

O R D E R

This matter comes before the Court on the plaintiff's Motion for a Temporary Restraining Order and/or Preliminary Injunction, rec.doc.no. 4.

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 Warden Cathy Fontenot, Warden John Calvert, Col. Honneycutt, Lt.Col. Ducote, Major Tillman, Capt. Harris, Sgt. Johnson and unidentified "John Doe" and "Jane Doe" defendants, complaining that his constitutional rights were violated in October 9, 2009, when prison officials allowed visitors to the prison to videotape the plaintiff in his cell without the plaintiff's consent.

In the instant motion, the plaintiff now prays for injunctive relief, "seeking not to be retaliated against". The plaintiff is not entitled to the relief requested. He includes no factual allegations in support of his request for injunctive relief, and he fails to allege that the defendants have made any threats against him or have taken any action in the nature of retaliation. Although the plaintiff apparently fears that the defendants may take retaliatory action against him, these fears appear to be wholly lacking in any factual basis and are purely speculative in nature. Accordingly, the plaintiff has failed to

establish any of the four elements which would warrant injunctive relief. In other words, he has failed to make a showing of (1) irreparable injury, (2) an absence of harm to the defendant if injunctive relief is granted, (3) an interest consistent with the public good, and (4) a likelihood of success on the merits. Canal Authority v. Callaway, 489 F.2d 567 (5th Cir. 1974). Therefore;

IT IS ORDERED that plaintiff's Motion for a Temporary Restraining Order and/or Preliminary Injunction, rec.doc.no. 4, be and it is hereby DENIED.

Baton Rouge, Louisiana, this 24 day of January, 2011.



FRANK J. POLOZOLA
UNITED STATES DISTRICT JUDGE