

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

EMMANUEL LOWE (#536837)

CIVIL ACTION

VERSUS

JAMES LeBLANC, ET AL.

NO. 12-00329-BAJ

ORDER

This matter comes before the Court on the plaintiff's Motion for Preliminary Injunction, rec.doc.no. 15.

The pro se plaintiff, an inmate confined at the Louisiana State Penitentiary ("LSP"), Angola, Louisiana, filed this proceeding pursuant to 42 U.S.C. § 1983 against Secretary James LeBlanc and numerous state officials employed at LSP, complaining that the defendants have violated his constitutional rights through deliberate indifference to his serious medical needs, specifically through a failure to provide him with appropriate care and treatment. In the instant motion, the plaintiff prays for an order compelling the defendants to "referre [sic] him for an M.R.I., CAT Scan, and/or any other treatments and tests by specialist[s], that he may properly remedy his injuries and medical problems herein." The plaintiff also complains in the instant motion of exposure to "cold weather" and of the failure of prison officials to allow him to purchase warmer clothing.

The plaintiff is not entitled to the relief requested. Specifically, the Court finds that the plaintiff's motion is lacking in factual detail and fails to include a sufficient

allegation of likely irreparable harm or injury as would support a finding that injunctive relief should be granted. Specifically, the Court is unable to evaluate the seriousness of the plaintiff's medical condition or the likelihood of any harm or injury which may result from the alleged failure to provide him with the medical care or accommodation which he desires. It appears, therefore, that the plaintiff's claims are susceptible of being adequately addressed in this ordinary proceeding and that his request for injunctive relief should be denied. Specifically, the plaintiff has failed to establish, with any degree of certainty, any of the four elements warranting such relief at the present time: (1) a likelihood of 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 Preliminary Injunction, rec.doc.no. 15, be and it is hereby **DENIED**.

Baton Rouge, Louisiana, this 4th day of December 2012.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**