

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

MAYSON JOHN

* CIVIL ACTION NO. 2:15-CV-1701

v.

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IVY J. WOODS, ET AL.

* JUDGE WALTER

* MAGISTRATE JUDGE KAY

MEMORANDUM ORDER

Before the Court is an Appeal of the Magistrate Judge’s Order denying the appointment of counsel, combined with a Motion to be Housed in Concordia Parish Correctional Facility or Elton City Jail (Rec. Doc. 42), filed by the plaintiff, Mayson John (“John”). Insofar as John challenges the Magistrate Judge’s Order denying appointment of counsel, the Court hereby finds that the Order is neither contrary to law nor clearly erroneous; therefore, the Order (Rec. Doc. 40) is hereby **AFFIRMED**. As to John’s remaining requests, the Motion (Rec. Doc. 42) is hereby **DENIED IN PART** and **GRANTED IN PART**, for the reasons that follow.

John is currently housed at Concordia Parish Correctional Facility (“CPCF”) in Ferriday, Louisiana as a pretrial detainee. John moves the Court to issue an Order that he be housed in CPCF or Elton City Jail (“ECJ”) for the duration of his “pretrial” incarceration, to prevent Warden Dustin Locke (“Locke”) from retaliating against him because John filed suit against Locke.¹ Rec. Docs. 42, 44. The Court construes this as a request for a preliminary injunction to prevent his transfer to

¹ John filed suit in the instant case against Dustin Locke (“Locke”), the warden of Jefferson Davis Parish Jail. Rec. Doc. 1. Locke was dismissed as a defendant in the instant suit as the Court found that John’s claims against him were frivolous and failed to state a claim upon which relief can be granted in accordance with 28 U.S.C. § 1915(e)(2)(B)(i) and (ii). Rec. Doc. 22. John has since filed a new complaint against, *inter alia*, Locke and the Jefferson Davis Parish Jail alleging retaliation for John’s filing of the instant suit. *John v. Locke, et al.*, 2:17-cv-1226.

Jefferson Davis Parish Jail under Warden Locke. A party requesting such relief must demonstrate each of the following:

(1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if the injunction is not issued, (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted, and (4) that the injunction will not disserve the public interest.

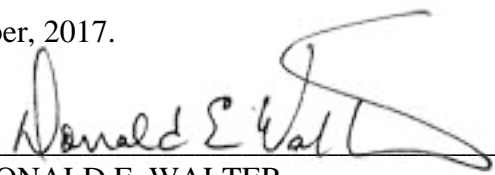
Janvey v. Alguire, 647 F.3d 585, 595 (5th Cir. 2011) (quoting *Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009)). John has not established any of these requirements. John has not shown that there is a substantial likelihood of success on the merits; indeed his request for injunctive relief appears to be unrelated to his claims against the remaining defendant in this case, Gerald Cox. Further, John makes no showing of a potential threat or injury other than to state generally that he anticipates Locke will retaliate against him. *See* Rec. Docs. 42, 44. Accordingly, the Court **DENIES** John's request for an order requiring that he be housed in CPCF or ECJ.

In the instant motion, John also requests a copy of Defendant Cox's Answer to his Complaint (Rec. Doc. 44, p. 2); said request is hereby **GRANTED**.

Accordingly, the Magistrate Judge's Order (Rec. Doc. 40) denying appointment of counsel is hereby **AFFIRMED**; John's Motion to be Housed in CPCF or ECJ (Rec. Doc. 42) is **DENIED** insofar as John requests that this Court prevent his transfer to Jefferson Davis Parish Jail and **GRANTED** insofar as John requests a copy of Defendant Gerald Cox's Answer (Rec. Doc. 28).

IT IS FURTHER ORDERED that the Clerk is directed to mail a copy of Defendant Gerald Cox's Answer (Rec. Doc. 28) to the plaintiff, Mayson John.

Shreveport, Louisiana, this 13th day of November, 2017.


DONALD E. WALTER
UNITED STATES DISTRICT JUDGE