

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

D.P.C. : **CIVIL ACTION NO. 2:17-cv-0024**
B.O.P. #00880-104 : **SECTION P**

VERSUS : **JUDGE TRIMBLE**

CALVIN JOHNSON : **MAGISTRATE JUDGE KAY**

MEMORANDUM ORDER

Before the court is the petitioner’s Motion for Injunctive and Preventative Relief. Doc. 6. For reasons provided below, the motion is **DENIED**.

The petitioner seeks a court order preventing prison authorities from returning him to the general population of the prisons and forbidding them from revoking good time credits for his noncompliance. Doc. 6. As grounds for his refusal to return to the general population he cites his fears that other inmates will learn that he has cooperated with the government “due to his case being published in the Lexis Nexis Electronic Law library computer which all inmates have access to.” *Id.* at 1–2. He also refers to a sealed document in his criminal case which acknowledges his criminal conviction.¹ *Id.* at 2.

“An injunction is an extraordinary remedy and should not issue except upon a clear showing of possible irreparable harm.” *Lewis v. S.S. Baun*, 534 F.2d 1115, 1121 (5th Cir. 1976).

¹ Mindful of the fact that the petitioner had filed this sealed document as an attachment in the instant case, we have already granted him leave to substitute his initials for his name in this matter and to file a redacted copy of the original petition and attachment, after which time the originals will be placed under seal. Doc. 5. As such, the petitioner’s request for sealing and redaction of the instant motion are denied as moot – the matter as a whole is redacted to show only the petitioner’s initials, meaning that no one can search for this matter by the petitioner’s name and learn of his cooperation through the admissions made in his motion.

A movant for a preliminary injunction must demonstrate each of the following: 1) a substantial likelihood of success on the merits; 2) a substantial threat that failure to grant the injunction will result in irreparable injury; 3) the threatened injury outweighs any damage that the injunction will cause to the adverse party; and 4) the injunction will not have an adverse effect on the public interest. *Women's Med. Ctr. of Northwest Houston v. Bell*, 248 F.3d 411, 418–20 (5th Cir. 2001).

The petitioner has not made a sufficient showing to warrant injunctive relief in this matter. We have already made provisions to ensure, to the extent we can, that the sealed documents he chose to file as unsealed exhibits in this suit may not become public knowledge, and that the petitioner's identity is also concealed. A perusal of his criminal case reveals that the documents he cites remain under seal. *See United States v. Cilla*, No. 12-cr-20262 (S.D. Fla. Apr. 25, 2013). A search of LexisNexis does reveal petitioner's possible cooperation in the testimony of his ineffective assistance claim on his motion to vacate pursuant to 28 U.S.C. § 2255. *See Cilla v. United States*, 2016 U.S. Dist. LEXIS 28899 (S.D. Fla. Feb. 2, 2016). However, the statements on cooperation there are very general and thus insufficient to support the petitioner's claims of peril. Therefore the petitioner's request for injunctive relief is denied.

The instant suit relates to events that occurred while the petitioner was incarcerated at the Federal Correctional Institute in Oakdale, Louisiana. The petitioner has since been transferred to the United States Penitentiary in Coleman, Florida. To the extent petitioner will wish to complain about any reduction in good time credit he receives for noncompliance with prison authorities, he must do so through another petition filed under § 2241. This court will not have jurisdiction over such a petition. *See Lee v. Wetzel*, 244 F.3d 370, 373–74 (5th Cir. 2001). The petitioner should instead pursue that matter in the appropriate Florida district court.

THUS DONE AND SIGNED in Chambers this 25th day of April, 2017.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE