

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

LIONEL PATTERSON

CIVIL ACTION NO. 6:17-CV-1383

VS.

SECTION P

DISTRICT JUDGE

**UHC HOSPITAL OF
LAFAYETTE, ET AL**

MAGISTRATE JUDGE HANNA

MEMORANDUM ORDER

B. Motion for Preliminary Injunction [Rec. Doc. 3]

Plaintiff has filed a Motion for Preliminary Injunction. [Rec. Doc. 3] A litigant moving 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). "An injunction is an extraordinary remedy and should not issue except upon a clear showing of possible irreparable harm." *Lewis v. S.S. Baune*, 534 F.2d 1115, 1121 (5th Cir.1976).

Plaintiff cannot prevail because he has not demonstrated a substantial likelihood of success on the merits. For the reasons explained in the Report and Recommendation issued this date, the undersigned has determined that plaintiff's complaint should be dismissed as

frivolous. Accordingly, plaintiff's motion for preliminary injunction is **DENIED**.

B. Appointment of Counsel [Rec. Doc. 4]

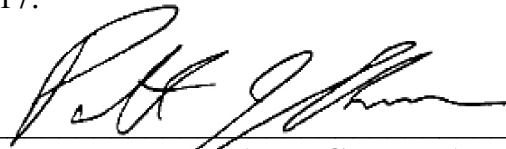
Plaintiff has also filed a motion for appointment of counsel. [Rec. Doc. 4] "A district court should appoint counsel in a civil rights case only if presented with exceptional circumstances." *Norton v. Dimazana*, 122 F.3d 286, 293 (5th Cir. 1997). Having considered that fact, as well as the factors set forth in *Ulmer v. Chancellor*, 691 F.2d 209, 213 (5th Cir. 1982), the Court finds that appointment of counsel is not warranted. As undersigned has determined that plaintiff's complaint should be dismissed as frivolous, plaintiff's motion for appointment of counsel is **DENIED**.

ORDER

IT IS ORDERED that plaintiff's Motion for to Preliminary Injunction [Rec. Doc. 3] is hereby **DENIED**.

IT IS FURTHER ORDERED that plaintiff's Motion for to Appoint Counsel [Rec. Doc. 4] is hereby **DENIED**.

In Chambers, Lafayette , Louisiana October 31, 2017.



PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE