IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KLEATUS McMANUS, # 292893   *

Plaintiff   *

v   *   Civil Action No. ELH-12-113

R. BEAL, Officer.   *

Defendant   *

MEMORANDUM

Kleatus McManus, a State prisoner, filed a motion for emergency injunctive relief, claiming he is in imminent danger. *See* ECF 3. In response, the court ordered the State of Maryland to file a show cause response. *See* ECF 4. The Maryland Attorney General has responded. ECF 7. For the reasons that follow, the court finds that emergency injunctive relief is unwarranted. Therefore, the motion (ECF 3) will be denied. McManus will be granted twenty-eight days to notify the Court whether he wants to supplement his claim and/or pursue his action or, instead, withdraw this case from further consideration. In any event, within forty-five days, counsel shall file a status report as to McManus's housing.

FACTUAL BACKGROUND

McManus, an inmate at Western Correctional Institution ("WCI"), alleges, among other things, that defendant R. Beal, a correctional officer, is purposely spreading false rumors that McManus is a "snitch" and a "rat." Complaint, p. 8 (continuation sheet). McManus claims he has been threatened on several occasions and fears for his life. As relief, McManus requests transfer to another prison. ECF 1, p. 8.

McManus is in disciplinary segregation until June 12, 2012, for possession of a

controlled dangerous substance. Exhibit 1, Declaration of Brent W. McKenzie, Correctional Case Management Specialist at WCI, at ¶3. He is also assigned to administrative segregation pending an investigation of his complaint about danger. Exhibit 1, at ¶3; Exhibit 2, Administrative Segregation Investigative Report. As an inmate on administrative segregation, McManus is separated from the general prison population. He will remain on administrative segregation status "until appropriate housing can be determined." Exhibit 1, at ¶3.

DISCUSSION

Preliminary injunctive relief is an extraordinary and drastic remedy. *See Munaf v. Geren*, 553 U.S. 674, 689-90 (2008). To obtain a preliminary injunction, a movant must demonstrate: 1) that he is likely to succeed on the merits; 2) that he is likely to suffer irreparable harm in the absence of preliminary relief; 3) that the balance of equities tips in his favor; and 4) that an injunction is in the public interest. *See Winter v. Natural Resources Defense Council, Inc*., 555 U.S. 7, 20 (2008); *The Real Truth About Obama, Inc. v. Federal Election Commission*, 575 F.3d 342, 346 (4th Cir. 2009), vacated on other grounds, _U.S. _, 130 S.Ct. 2371 (2010), reinstated in relevant part on remand, 607 F.3d 355 (4th Cir. 2010) (per curiam).

McManus fails to establish that he is likely to suffer irreparable harm without emergency injunctive relief. He is in administrative segregation pending investigation of his claim of imminent harm. Under the circumstances, he has not shown the likelihood of irreparable injury in the absence of injunctive relief. Further, inmate classification decision and transfer decisions do not implicate a protected liberty interest. *See Meachum v. Fano*, 427 U.S. 270 (1976); *Paoli v. Lally*, 812 F.2d 1489, 1492-93 (4th Cir. 1987). A prisoner has no liberty interest in being housed in any particular manner. *See Olim v. Wakinekona*, 461 U.S. 238, 244-45 (1983). McManus has

not shown the likelihood of irreparable injury nor success on the merits at trial. Consequently, there are insufficient grounds to order emergency injunctive relief.

CONCLUSION

For the foregoing reasons, McManus's motion for injunctive relief (ECF 3) will be denied. The Court will grant McManus twenty-eight days to state whether he wants to amend his complaint and/or pursue consideration of his case, or, instead, withdraw this case from further review. In any event, within forty-five days, counsel shall provide the court with a status report as to McManus's housing. A separate Order follows.

February 14, 2012   /s/
Date   Ellen L. Hollander
                                            United States District Judge

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