

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BRYANT DAVIDSON,
Plaintiff

*

v.

*

CIVIL ACTION NO. WDQ-13-2993

*

STATE OF MARYLAND et al.,
Defendants

*

MEMORANDUM

On October 10, 2013, the Plaintiff, an inmate presently incarcerated at the Western Correctional Institution, filed a self-represented complaint stating that inmate Jason Wallace was killed by his cell-mate on September 13, 2013. The Plaintiff claims that the Division of Corrections failed to protect Jason Wallace from a known risk of harm, including denying Wallace's repeated requests to move out of his cell. ECF No. 1. Plaintiff has moved for leave to proceed in forma pauperis (Paper No. 2) which shall be granted pursuant to 28 U.S.C. Section 1915(a).

The Plaintiff seeks injunctive relief including an investigation of the death of Jason Wallace and damages in the amount of one million dollars. As a preliminary injunction temporarily affords an extraordinary remedy prior to trial than the relief that can be granted permanently after trial, the party seeking the preliminary injunction must demonstrate: (1) by a "clear showing" that he is likely to succeed on the merits at trial; (2) he is likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in his favor; and (4) an injunction is in the public interest. *See Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20-23 (2008). The Plaintiff does not state what injury, if any, he suffered as a result of the events surrounding the death of Jason Wallace. Absent personal deprivation or

injury, his claim may not proceed. *See generally Allen v. Wright*, 468 U.S. 737, 751 (1984).

There is no indication that the Plaintiff is authorized to bring the case on behalf of Mr. Wallace as Wallace's personal representative or otherwise.

Accordingly his claim will be dismissed in a separate Order.

10/22/13

(Date)



William D. Quarles, Jr.
United States District Judge