

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

CHRISTOPHER GOLDEN

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:08cv156 MTP

GABRIEL WALKER, et al.

DEFENDANTS

ORDER

Before the court is the plaintiff's letter [28], construed as a motion, wherein he requests that the court take whatever action it deems appropriate to assure that plaintiff does not feel threatened or intimidated at the prison facility where he is housed. Plaintiff's motion is based on a perceived threat from one of the guards at the prison. Having carefully considered the motion, the court finds that it should be denied.

While plaintiff has a lawsuit pending over certain issues, it is not an all-purpose lawsuit wherein the court will be called upon to address any activities or circumstances at the prison about which the plaintiff desires to complain. The motion, as stated above, appears to arise out of plaintiff's concerns for his safety after a perceived threat from a prison guard. The court declines to consider this issue as such claims must first be lodged in the Administrative Remedy Program (ARP) in place within the Mississippi Department of Corrections (MDOC). *See Porter v. Nussle*, 534 U.S. 516, 122 S. Ct. 983, 152 L.Ed. 2d 958 (2002); *Haynes v. Jackson*, 2005 WL 2177130 (S.D. Miss. 2005)(addressing availability of ARP program for MDOC inmates and requirements thereof); see also 42 U.S.C. § 1997e (requiring exhaustion of administrative remedies prior to bringing action relating to prison conditions). As plaintiff has not utilized the

available ARP process, or has made no showing that he has exhausted his remedies available in the ARP process,¹ the motion [21] must be denied.

MOTION DENIED.

SO ORDERED on this the 23rd day of September, 2008.

s/ Michael T. Parker

United States Magistrate Judge

¹Plaintiff states only that he submitted an "Inmate Request Form." He does not establish or allege that he completed the ARP process.