

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|-------------------------|---|--------------------|
| EUGENE JONES, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:08CV1654 HEA |
| |) | |
| MARVIN JOHNSON, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s motion for preliminary injunction.

The motion will be denied.

To determine whether preliminary injunctive relief is warranted, the Court must balance the threat of irreparable harm to movant, the potential harm to the nonmoving party should an injunction issue, the likelihood of success on the merits, and the public interest. *Dataphase Sys. v. CL Sys.*, 640 F.2d 109, 113-14 (8th Cir. 1981) (en banc).

The Prison Litigation Reform Act has narrowed the Court’s ability to grant preliminary injunctive relief to prisoners:

Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the preliminary relief and shall respect the principles of comity set out in paragraph (1)(B) in tailoring any preliminary relief.

18 U.S.C.A. § 3626(a)(2).

Plaintiff seeks an injunction blocking defendants from transferring plaintiff to another facility in retaliation for his having filed the instant lawsuit. Plaintiff filed the instant lawsuit alleging that he is being denied basic hygiene items and that defendants are blocking his communications with this and other courts regarding pending cases. Plaintiff believes that defendants may wish to transfer him in order to moot his request for injunctive relief.

The Court will deny plaintiff's motion for preliminary injunction because plaintiff has failed to demonstrate any threat of irreparable harm should he be transferred to another facility. And it is in the public interest to allow the Missouri Department of Corrections to assign prisoners to facilities as it deems necessary rather than for the Court to get involved in such matters. Additionally, granting plaintiff's requested relief would be more intrusive than necessary to correct the alleged harms occurring in this case. As a result, plaintiff is not entitled to preliminary injunctive relief.

To the extent that the motion seeks declaratory relief, the motion is premature. Consequently, the motion will be denied in its entirety.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for preliminary injunction [#5] is **DENIED**.

Dated this 26th day of November, 2008.

A handwritten signature in cursive script, reading "Henry Edward Autrey". The signature is written in black ink and is positioned above a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE