

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|-----------------------------|---|---------------------|
| WILLIAM B. MAYBIN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:16-CV-525-CEJ |
| |) | |
| CORIZON HEALTHCARE, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for additional time in which to file an amended complaint and for preliminary injunctive relief. In his motion, plaintiff asks the Court to enjoin "the PCC administration" from "misappropriating all his legal documents." He alleges that the defendants have denied him access to his legal materials while he has been confined in administrative segregation. This deprivation has prevented him from filing an amended complaint.

In determining whether preliminary injunctive relief is warranted, a 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). "A preliminary injunction is an extraordinary remedy, and the burden of establishing the propriety of an injunction is on the movant." Watkins, Inc. v. Lewis, 346 F.3d 841, 844

(8th Cir. 2003) (citations omitted). “The party seeking injunctive relief bears the burden of proving all the Dataphase factors.” Id.

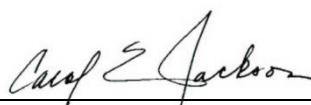
Plaintiff does not show that the actions he complains of have impeded his ability to pursue this lawsuit or have otherwise obstructed his access to the courts. Plaintiff claims that he is unable to file an amended complaint because his files have been withheld while he is in administrative segregation. However, plaintiff was able to file the instant motion and he may obtain a copy of his original complaint from the clerk of court. The Court finds that plaintiff has not demonstrated that he is subject to irreparable harm due to the actions of any of the defendants. Plaintiff is not entitled to injunctive relief.

Additionally, the Court previously granted plaintiff up to and including August 20, 2016, in which to file an amended complaint [Doc. 7]. As such, plaintiff’s instant motion for additional time is duplicative and will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for additional time to file an amended complaint and for preliminary injunctive relief [Doc. 8] is **DENIED**.

Dated this 26th day of July, 2016.


UNITED STATES DISTRICT JUDGE