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## UNITED STATES DISTRICT COURT

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## DISTRICT OF NEVADA

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10 RONALD SANTOS,

11 Plaintiff,

12 v.

13 ISIDRO BACA, *et al.*,

14 Defendants.

Case No. 2:11-CV-01251-KJD-NJK

**ORDER**

15

16 Before the Court is Plaintiff's "Imminent Danger" Petition for a Preliminary Injunction and  
17 Motion for Order Barring Defendants from Transferring Plaintiff Back to Ely State Prison  
18 (##168,169). Defendants filed a response in opposition (#175), to which Plaintiff replied (#190).

19 Legal Standard

20 The purpose of a preliminary injunction or temporary restraining order is to preserve the  
21 status quo if the balance of equities so heavily favors the moving party that justice requires the court  
22 to intervene to secure the positions until the merits of the action are ultimately determined. Johnson  
23 v. Nguyen, 2015 WL 105826, at \*8 (D. Nev. Jan. 7, 2015).

24 A preliminary injunction is an "extraordinary and drastic remedy" that is "never awarded as  
25 of right." Munaf v. Geren, 553 U.S. 674, 689–90 (2008) (citations omitted). Instead, in every case,  
26 the court "must balance the competing claims of injury and must consider the effect on each party of

1 the granting or withholding of the requested relief.” Winter v. Natural Resources Defense Council,  
2 Inc., 555 U.S. 7, 23 (2008) (internal quotation marks and citation omitted). The instant motion  
3 requires that the Court determine whether Plaintiff has established the following: (1) he is likely to  
4 succeed on the merits; (2) he is likely to suffer irreparable harm in the absence of preliminary relief;  
5 (3) the balance of equities tips in his favor; and (4) an injunction is in the public interest. Id. at 20.

6 Additionally, the Prison Litigation Reform Act (PLRA) mandates that prisoner litigants must  
7 satisfy additional requirements when seeking preliminary injunctive relief against prison officials.

8 The PLRA provides, in relevant part:

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

15 18 U.S.C. § 3626(a)(2). Thus, § 3626(a)(2) limits the court’s power to grant preliminary injunctive  
16 relief to inmates. See Gilmore v. People of the State of California, 220 F.3d 987, 999 (9th Cir.2000)  
17 (“Section 3626(a) ... operates simultaneously to restrict the equity jurisdiction of federal courts and  
18 to protect the bargaining power of prison administrators-no longer may courts grant or approve relief  
19 that binds prison administrators to do more than the constitutional minimum.”).

### 20 Analysis

21 Here, Plaintiff requests a preliminary injunction against intentional damage to his mail,  
22 television and personal property, and intentional infliction of bodily harm by unknown NDOC  
23 officials. #168 at 2. Plaintiff’s requests are unrelated to the merits of his original claims of  
24 violations of the Religious Land Use and Institutionalized Persons Act or Cruel and Unusual  
25 Punishment (for allegedly unsafe prison conditions). #36 at 3,10-22. The administrative grievance  
26 process provided for all inmates in NDOC custody, allows Plaintiff to commence a new action  
regarding the aforementioned alleged misconduct by NDOC officials. However, filing a petition for  
a preliminary injunction regarding those allegations in the present, unrelated case is not appropriate.

1 Plaintiff has not demonstrated a probability of success on the merits or serious questions going to  
2 the merits of the present case and so his request is denied.

3 III. Conclusion

4 **IT IS HEREBY ORDERED** that Plaintiff’s “Imminent Danger” Petition for a Preliminary  
5 Injunction and Motion for Order Barring Defendant’s from Transferring Plaintiff Back to Ely State  
6 Prison (##168, 169) are **DENIED**.

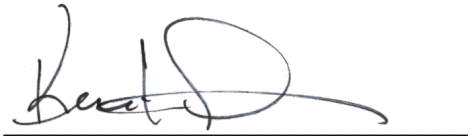
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8 DATED this 9th day of March 2016.

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Kent J. Dawson  
United States District Judge

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