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5	UNITED STATES DISTRICT COURT		
6	DISTRICT OF NEVADA		
7	JASEN LYNN DUSHANE,		
8	Plaintiff,	3:14-cv-00586-RCJ-VPC	
9	V. (
10	NORTHERN NEVADA CORRECTIONAL	ORDER	
11	Defendants.		
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13	Plaintiff has submitted a motion for preliminary injunction and a motion fo		
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15	I. MOTION FOR PRELIMINARY INJUNCTION		
16	Plaintiff filed a motion for a preliminary injunction. (ECF No. 8). The traditional equitable criteria for granting preliminary injunctive relief are: (1) a strong likelihood of success on the merits; (2) the possibility of irreparable injury to the plaintiff if injunctive relief is not		
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19	granted; (3) a balance of hardships favoring the plaintiffs; and (4) advancement of the		
20	interest. Los Angeles Memorial Coliseum Com	mission v. National Football League, 634 F.2d	
1197, 1200-01 (9th Cir. 1980). The moving party may meet its burden by		y may meet its burden by demonstrating either	
22	(1) a combination of probable success on the	merits and the possibility of irreparable injury	
23	or (2) that serious questions are raised and the	balance of hardships tips sharply in its favor.	
24	Id. Furthermore, under the Prison Litigation Re	form Act ("PLRA"), preliminary injunctive relief	
25	must be "narrowly drawn," must "extend no furt	her than necessary to correct the harm," and	
26	must be "the least intrusive means necessary to correct the harm." 18 U.S.C. § 3626(a)(2).		
27	Plaintiff has not demonstrated probable s	success on the merits at this time. Plaintiff has	
28	alleged that a policy at NNCC has prejudiced	him in his ability to access the courts. This	

allegation is sufficient to state a claim at this stage, but does not demonstrate probable
 success on the merits. Moreover, Plaintiff has not demonstrated that the balance of hardships
 tips sharply in his favor. Accordingly, Plaintiff's motion for a preliminary injunction is denied.

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II.

MOTION FOR RECONSIDERATION

5 Plaintiff filed a motion for reconsideration (ECF No. 21) and asserts the Court should
6 reconsider its dismissal of his Fourth and Fourteenth Amendment claims.

7 Plaintiff alleges he has no choice but to give his legal papers to inmate law clerks in order to get copies. (ECF No. 21 at 1-2). Plaintiff contends this involuntary action forms the 8 9 basis of a Fourth Amendment deprivation. "Simply because prison inmates retain certain constitutional rights does not mean that these rights are not subject to restrictions and 10 limitations. There must be a mutual accommodation between institutional needs and 11 objectives and the provisions of the Constitution that are of general application." Bell v. 12 Wolfish, 441 U.S. 520, 521 (1979) (citation omitted). Plaintiff's Fourth Amendment claim fails 13 because the "search" Plaintiff alleges is unconstitutional is the exact sort of mutual 14 15 accommodation anticipated by Bell.

16 Plaintiff's Fourteenth Amendment Equal Protection Claim does not state a viable cause of action. Plaintiff claims the government is required "to follow the very laws they themselves 17 force upon citizens of the United States that affect life and liberty." (ECF No. 21 at 2). This 18 19 pronouncement is insufficient to state a colorable Equal Protection Claim violation. In order 20 to state an equal protection claim, a plaintiff must allege facts demonstrating that defendants 21 acted with the intent and purpose to discriminate against him based upon membership in a 22 protected class, or that defendants purposefully treated him differently than similarly situated individuals without any rational basis for the disparate treatment. Lee v. City of Los Angeles, 23 24 250 F.3d 668, 686 (9th Cir. 2001); see also Vill. of Willowbrook v. Olech, 528 U.S. 562, 564 25 (2000).

Plaintiff has not alleged he has been treated differently than other similarly situated
individuals. Plaintiff has filed two amended complaints in addition to his initial complaint and
yet has not shown he is able to correct the deficiency in his Fourteenth Amendment Equal

1	Protection Clause claim. Accordingly, Plaintiff's motion for reconsideration (ECF No. 21) is	
2	denied.	
3	III. CONCLUSION	
4	For the foregoing reasons, IT IS ORDERED that Plaintiff's Motion for a Preliminary	
5	Injunction (ECF No. 8) is DENIED.	
6	IT IS FURTHER ORDERED that Plaintiff's motion for reconsideration (ECF No. 21) is	
7	DENIED.	
8	IT IS FURTHER ORDERED that the stay issued in the Court's previous order (ECF No.	
9	19) remains in effect. The parties are directed to refer to that order for all deadlines and	
10	pertinent information concerning the further progression of this case.	
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12	DATED: This 12^{th} day of February, 2016.	
13	and	
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15	United States District Judge	
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