UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TIMOTHY HARNETT,

Petitioner,

- against -

JAMES CONWAY,

Respondent.

08 Civ. 1061 (JGK)

MEMORANDUM OPINION AND ORDER

JOHN G. KOELTL, District Judge:

The petitioner, Timothy Harnett, moves for a preliminary injunction enjoining a state court judge, his own attorney, and more than one hundred individuals at the Upstate Correctional Facility, where he is incarcerated, from, among other things, engaging in a conspiracy to unlawfully restrain him in prison, making threats against him, using force against him, poisoning his food and water, unlawfully searching him, placing contraband in his cell, and obstructing his mail.

To obtain a preliminary injunction, the plaintiff must show: "(1) a likelihood of irreparable harm in the absence of the injunction; and (2) either a likelihood of success on the merits or sufficiently serious questions going to the merits to make them a fair ground for litigation, with a balance of hardships tipping decidedly in the movant's favor." Doninger v. Niehoff, 527 F.3d 41, 47 (2d Cir. 2008).

The petitioner has failed to set forth sufficient facts to demonstrate either irreparable harm or a likelihood of success on the merits. Moreover, the Court may not issue a preliminary injunction unless notice has been given to the adverse parties, and the petitioner's request for injunctive relief is directed at individuals who are not parties to this action. See Fed. R. Civ. P. 65(a); Salahuddin v. Goord, 467 F.3d 263 (2d Cir. 2006); Weitzman v. Stein, 897 F.2d 653, 658 (2d Cir. 1990); see also Davis v. Rhoomes, No. 07 Civ. 6592, 2009 WL 415628, at *10 (S.D.N.Y. Feb. 19, 2009). The petitioner makes no allegations against the only respondent in this case, the Superintendent of the Attica Correctional Facility, and there is no indication that the parties against whom the motion is directed have received notice of the motion. For all of these reasons, the petitioner's request for a preliminary injunction is **denied**.

SO ORDERED.

Dated: **New York, New York**
July 2, 2010

John G. Koeltl
United States District Judge