

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL WINSTON,

Plaintiff,

v.

WILLIAM F. MORGAN, *et al.*,

Defendants.

No. 1:09-cv-225-SJM

MEMORANDUM ORDER

Plaintiff Michael Winston has filed in the above-captioned case a document styled as a “Pleeding [sic], Motion Request,” in which he seeks issuance of a “Protection From Abuse Order made on: the Judicial System, the Sheriff Dept., and the Local Police [] in the County of Warren, PA.” (Doc. No. 3.) In his supporting letter/brief (quoted below in unedited format), Plaintiff states the following:

This letter is a personal, plea, for help, I Michael Winston know that my behavior has been nothing but, wrong, in every sence of the word. I would like to say, that if this Court would please, help me I will conduct myself in any and all court procedings, use the court, system as it was ment to be used, and never insult anyone for anything during the course of the procedings. Ive been threw alot in the past six years, but that is my problem, and not this Courts. I only now realize that the courts are their for a reason, if this court could please take into conciderasion the abuse, of other state courts have made me, just a little leary, and making it hard for me to trust anyone, court, police, I wont even go into sertain counties or citys, Im scared to enter Warren County, scared, and fear is real and makes people react, and somtimes in ways that seem, to someone ealse, agresive, I wouldnt know what its like to be helped, I’ve somehow made my own way. Never asked anyone for anything! If I could just be able to use a court, have my rights, and atleast have a chance to prove my inocence but what is happening in Warren county, is just not right. I hope this Court would agree. And give me a chance, just a hearing, after witnesses and evidence are gathered, just one hearing, thats all Im asking.

(See Doc. No. 3, p. 2 of 2.)

Pennsylvania's Protection From Abuse Act provides for the issuance of "protection from abuse" ("PFA") orders in certain cases involving domestic violence, which do not pertain here. See generally 23 Pa. C.S.A. § 6101 *et seq.* Further, even if such circumstances did apply, this Court, being a court of limited jurisdiction, lacks the power to enter such orders. See 28 U.S.C. § 1330 *et seq.*

To the extent Plaintiff's motion is interpreted as a motion for a preliminary injunction, he fares no better. Our Circuit Court of Appeals has explained that, to obtain the "extraordinary remedy" of a preliminary injunction, the moving party must establish: "(1) a likelihood of success on the merits; (2) that [he] will suffer irreparable harm if the injunction is denied; (3) that granting preliminary relief will not result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief." *Kos Pharms., Inc. v. Andrx Corp.*, 369 F.3d 700, 708 (3d Cir.2004). Furthermore, "a showing of irreparable harm is insufficient if the harm will occur only in the indefinite future. Rather, the moving party must make a clear showing of immediate irreparable harm." *Campbell Soup Co. v. ConAgra, Inc.*, 977 F.2d 86, 91 (3d Cir.1992) (internal quotations omitted). See also *Rivera v. Pennsylvania Dept. Of Corrections*, No. No. 09-2802, 2009 WL 3059048 at *1 (3d Cir. Sept. 25, 2009) (slip op.).

Here, Plaintiff has made no clear showing of immediate irreparable harm. Instead, he alleges only past abuse and, at most, a concern that he might suffer future harm at some point in the indefinite future. Moreover, Plaintiff's motion fails to demonstrate a likelihood that he will be able to successfully prosecute any viable legal claim. Accordingly, the following order is entered:

AND NOW, *to wit*, this 3rd day of November, 2009, upon consideration of Plaintiff's motion [3] for Protection from Abuse Order,

IT IS ORDERED that said motion be, and hereby is, DENIED.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record.