

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

ARTHUR LEE WILLIAMS §  
v. § CIVIL ACTION NO. 5:11cv68  
PAUL THOMPSON, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND DENYING MOTION FOR INJUNCTIVE RELIEF

The Plaintiff Arthur Williams, an inmate currently confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Williams filed a motion for a temporary restraining order saying that he filed a grievance against the defendant Paul Thompson for shining a red laser light into his eyes, but no disciplinary action was taken against Thompson; instead, he complains that Thompson retaliated against him by entering his cell and hitting him in the head with a flashlight. Williams received a disciplinary case over this incident; he asserts that at the hearing, Thompson admitted that he was retaliating against Williams, but Williams was found guilty anyway. After Williams returned from the hospital, he was assigned to live in the “gang members housing area.” He requested injunctive relief in the form of a transfer back to a safe environment such as general population.

After review of Thompson’s motion, the Magistrate Judge issued a Report on August 23, 2011, recommending that the motion for injunctive relief be denied. The Magistrate Judge set out the standards for injunctive relief and stated that Williams had not shown a substantial likelihood

that he would prevail on the merits of his claim or that he faced a substantial danger of irreparable injury if the requested injunctive relief is not granted. Instead, the Magistrate Judge stated that Williams simply offered a conclusory allegation that the area of the prison to which he was transferred, after being found guilty of a disciplinary offense, placed his life in danger. The Magistrate Judge observed that conclusory allegations could not sustain entitlement to injunctive relief.

In addition, the Magistrate Judge noted that Williams had not shown that his proposed injunctive relief would not dis-serve the public interest. The Supreme Court has cautioned the federal courts against excessive involvement in “the minutiae of prison operations,” and inmates have no constitutionally protected interest in their classification status. Thus, the Magistrate Judge recommended that Williams’ motion for injunctive relief be denied.

Williams filed objections to the Magistrate Judge’s Report on September 14, 2011. In his objections, Williams says that he does not have to wait until after a “tragic event occurs” to seek an injunction to remedy unsafe prison conditions. He refers back to his original complaint, in which he stated that after he complained about the red laser light, Thompson made racial slurs and said that he would “have something done” to Williams. Williams states that he has shown a likelihood as addressed in Helling v. McKinney, 509 U.S. 25 (1993), and Ramos v. Lamm, 639 F.2d 559, 572 (10th Cir. 1980), arguing that these cases show that he need not wait until he is injured to seek injunctive relief.

Williams’ objections relate back to the events of his complaint against Thompson, and do not discuss whether or not he is presently entitled to injunctive relief in the form of a transfer to a housing area which he believes is safer. He does not show a substantial likelihood of success on the merits of his claim, nor a substantial likelihood of irreparable injury exists if the requested injunctive relief is not granted, nor that federal court intervention in his classification status is justified. Williams’ objections are without merit.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the Plaintiff's motion for injunctive relief, the Report of the Magistrate Judge, and the Plaintiff's objections thereto. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge (docket no. 24) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for injunctive relief in the form of a temporary restraining order (docket no. 8) is DENIED.

**SIGNED this 19th day of September, 2011.**

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE