

United States District Court
Southern District of Texas

ENTERED

December 14, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TOAN T. TANG,
Inmate #P00189427,

Plaintiff,

v.

SHERIFF TROY NEHLS, et al.,

Defendants.

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CIVIL ACTION NO. H-16-2820

ORDER

The plaintiff, Toan T. Tang, filed a complaint under 42 U.S.C. § 1983 ("Complaint") (Docket Entry No. 1), while in custody at the Fort Bend County Jail. Tang, who is now in custody at a state facility in Austin, has filed a "Motion to address the court regarding Defendant retaliation" (Docket Entry No. 15), seeking injunctive relief. The Motion will be denied for the reasons set forth briefly below.

On December 1, 2016, the court dismissed the Complaint for lack of jurisdiction (Docket Entry No. 13). Tang does not demonstrate that this case was dismissed in error or that he is entitled to relief from the final judgment. More importantly, the Motion filed by Tang does not articulate a valid claim for relief.

"To state a valid claim for retaliation under [42 U.S.C. § 1983], a prisoner must allege (1) a specific constitutional

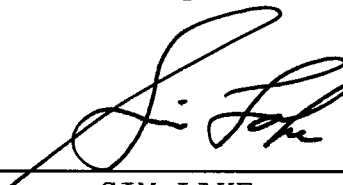
right, (2) the defendant's intent to retaliate against the prisoner for his or her exercise of that right, (3) a retaliatory adverse act, and (4) causation." Bibbs v. Early, 541 F.3d 267, 270 (5th Cir. 2008) (quoting Jones v. Greninger, 188 F.3d 322, 324-25 (5th Cir. 1999) (per curiam)). The inmate must allege more than his personal belief that he is the victim of retaliation. Jones, 188 F.3d at 325.

In support of his claim of retaliation, Tang alleges that an unidentified "Guard" at the Jail refused to forward certain items of clothing and Tang's Texas driver's license to the state facility where Tang is being held. (Docket Entry No. 15, p. 2). Tang does not attempt to demonstrate that the alleged adverse action is related to this lawsuit or the exercise of a specific constitutional right and he does not otherwise show that any defendant in this case was involved. Thus, he does not state a claim for retaliation.

Accordingly, it is **ORDERED** that Tang's pending Motion (Docket Entry No. 15) is **DENIED**.

The Clerk will send a copy of this Order to the plaintiff.

SIGNED at Houston, Texas, on this 14th day of December, 2016.



SIM LAKE
UNITED STATES DISTRICT JUDGE