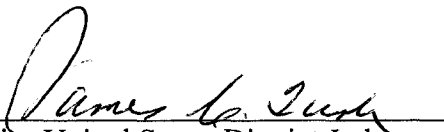


“strong possibility” of harm is insufficient, because the standard requires a showing that harm is “likely.” *Id.* Each of these four factors must be satisfied before interlocutory injunctive relief is warranted. Real Truth About Obama, Inc. v. FEC, 575 F.3d 342, 347 (4th Cir. 2009), vacated by, remanded by, cert. granted, 130 S. Ct. 2371 (2010), reaffirmed in part, remanded by, 607 F.3d 355 (4th Cir. 2010).

Smith asserts that the requested video footage is “extremely relevant” to his excessive force claims and “need to be present[ed to] the court.” He alleges that “the administration here . . . is very well known for destroying or tampering with the evidence.” Smith does not cite any instance in which a court has determined that the defendant prison officials or their colleagues have purposefully destroyed or tampered with video footage related to inmate litigation. Smith’s vague and conclusory statements are insufficient to support a finding that harm to the video footage he seeks is either likely or imminent. As he thus fails to satisfy two of the four factors under the Winter test, the court denies his “motion for injunction” without further discussion. In the interest of justice, however, the court will request that prison officials make every effort to preserve the requested video footage until after this case has been fully resolved. An appropriate order will issue this day.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to plaintiff and to the defendants, in care of the Office of the Attorney General of Virginia, Prisoner Litigation Unit.

ENTER: This 27th day of August, 2013.


Senior United States District Judge