



bring a civil action in this court without prepaying the filing fee, which the plaintiff did not do. *Id.*

Also on July 9, 2014, the plaintiff filed a motion for temporary restraining order and preliminary injunction, allegedly required “to ensure that he receives proper medical care.” (Mem. Law Supp. Mot. 1, ECF No. 6.) The plaintiff alleges that he is presently not receiving adequate medical care for injuries he received in the alleged excessive force incidents in May and June. He alleges that three nurses have assessed him at different times and have scheduled him to be examined by a doctor, but no medical care has been provided. The plaintiff also alleges that he has repeatedly asked the medical staff to arrange an eye doctor appointment so the plaintiff can obtain a prescription for new eye glasses, since his were broken during the alleged assaults in May and June. They have not done so. The plaintiff asks the court to issue a temporary restraining order and preliminary injunction directing unspecified officials to “allow[ ] the plaintiff to see the doctor, carry[ ] out X-rays, and refer treatment for surgery or physical therapy.” (*Id.* at 3.)

“[A] preliminary injunction may never issue to prevent an injury or harm which not even the moving party contends was caused by the wrong claimed in the underlying action.” *Omega World Travel, Inc. v. Trans World Airlines*, 111 F.3d 14, 16 (4th Cir. 1997); see also *In re Microsoft Corp. Antitrust Litig.*, 333 F.3d 517, 526 (4th Cir. 2003). The plaintiff does not allege facts indicating that the

past wrongs at issue in the § 1983 complaint (excessive force in May and June) have any causal relationship whatsoever with the present denial of medical care alleged in his current motion. His motion does not show that the defendant guards bear any responsibility or have any personal involvement in decisions about what medical tests or appointments are necessary for appropriate treatment of the plaintiff's medical conditions. Therefore, I must deny the motion for interlocutory injunctive relief as presented against the defendants in this action.<sup>1</sup>

Instead, I will construe the plaintiff's motion as a new and separate civil action against as-yet unnamed defendants and direct the clerk to redocket the pleading appropriately under a new civil case number. A separate Order will be entered herewith.

The clerk will send a copy of that Order and this Opinion to the plaintiff.

DATED: July 14, 2014

/s/ James P. Jones  
United States District Judge

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<sup>1</sup> Temporary restraining orders are issued only rarely, when the movant proves that he will suffer injury if relief is not granted before the adverse party could be notified and have opportunity to respond. *See* Fed. R. Civ. P. 65(b). Such an order would only last until such time as a hearing on a preliminary injunction could be arranged. As it is clear from the outset that plaintiff is not entitled to a preliminary injunction, the court finds no basis upon which to grant him a temporary restraining order.