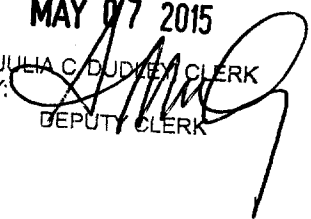


MAY 07 2015
JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ABDUL-HAMZA WALI MUHAMMAD)
) Case No. 7:14CV00529
)
Plaintiff,)
)
v.) **MEMORANDUM OPINION**
)
)
COMMONWEALTH OF VIRGINIA,)
) By: Hon. Glen E. Conrad
ET AL.,) Chief United States District Judge
)
Defendant(s).)

Plaintiff Abdul-Hamza Wali Muhammad has filed a pleading that he titles: “Motion seeking Immediate Court Intervention (Help) Injunctive Relief.” The pleading, which does not identify any defendant in the heading, asserts that Muhammad is lactose-intolerant, but since his transfer back to Red Onion State Prison on April 17, 2015, he has not consistently received non-dairy substitutes for dairy items on the menu.

The court construes Muhammad’s submission as a motion seeking interlocutory injunctive relief directing unspecified officials to approve him for a nondairy diet and provide appropriate food substitutes. “[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 v. TWA, 111 F.3d 14, 16 (4th Cir. 1997); In re Microsoft Antitrust Litig., 333 F.3d 517, 526 (4th Cir. 2003). Muhammad does not allege that the potential¹ harm he seeks to prevent through an interlocutory injunction arises from the past wrongs he has claimed against officials in this case.¹ Rather, he is alleging separate claims,

¹ In the text of his motion, Muhammad lists his pending case, No. 7:14CV00529, which concerns events from 2014 at Red Onion State Prison, regarding his classification, his religious diet and holy day feast, two disciplinary hearings, and an inmate assault incident. Therefore, the clerk’s office docketed the motion in this pending action.

concerning events that occurred months after the occurrences at issue in this lawsuit. Therefore, his motion for interlocutory relief must be denied in this pending case, but the court will direct the clerk to file the motion as a new and separate civil action. An appropriate order will issue this day.

The Clerk is directed to send a copy of this order to the plaintiff and to counsel of record for the defendants.

ENTER: This 7th day of May, 2015.



Chief United States District Judge