

SEP 29 2016

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

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

NICHOLAS CLYDE BOLEN,  
Plaintiff,

Civil Action No. 7:16-cv-00390

v.

MEMORANDUM OPINION

NELSON TERNER, et al.,  
Defendants.

By: Hon. Michael F. Urbanski  
United States District Judge

Nicholas Clyde Bolen, a Virginia inmate proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983 naming Nelson Turner and Patricia L. McCoy as defendants. Plaintiff does not allege any facts involving McCoy, and consequently, any claims against McCoy are dismissed without prejudice for failing to state a claim upon which relief may be granted. See, e.g., West v. Atkins, 487 U.S. 42, 48 (1988) (recognizing a § 1983 claim must allege the violation of a federal right by a person acting under color of state law). Plaintiff's claim against defendant Turner remains pending.

Plaintiff also filed a "motion to be moved to another jail" because he believes prison officials have left him in segregation for longer than he had expected. To the extent Plaintiff seeks preliminary injunctive relief, the motion must be denied because Plaintiff does not address or show that he is likely to succeed on the merits; he is likely to suffer irreparable harm in the absence of preliminary relief; the balance of equities tips in his favor; or an injunction is in the public interest. See, e.g., Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008).

ENTER: This 29<sup>th</sup> day of September, 2016.

*1st Michael F. Urbanski*

United States District Judge