

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

JOHNNY M. BURDEN,)	
)	
Plaintiff,)	Case No. 7:17CV00343
)	
v.)	OPINION AND ORDER
)	
SCARBERRY, ET AL.,)	By: James P. Jones
)	United States District Judge
)	
Defendants.)	

Johnny M. Burden, Pro Se Plaintiff.

The plaintiff, Johnny M. Burden, a Virginia inmate proceeding pro se, filed this prisoner civil rights action under 42 U.S.C. § 1983, alleging that prison officials have violated his constitutional rights. He alleges that while he was working in the kitchen at Red Onion State Prison, other inmates assaulted him three times because correctional officers were not monitoring the stockroom as required. Burden has filed a separate motion titled “Request for Temporary Restraining Order,” asking the court to order officials to refrain from violating prisoners’ constitutional rights. After review of the record, I conclude that the motion must be denied.

Temporary restraining orders are governed by Rule 65(b) of the Federal Rule of Civil Procedure. Such orders are issued only rarely, when the movant

proves that he will suffer irreparable injury if relief is not granted before the adverse party could be notified and have an opportunity to respond. Fed. R. Civ. P. 65(b). Neither Burden's motion nor his Complaint states facts showing a likelihood of any injury or harm he will suffer if the defendants are allowed to respond to his claims before I decide them in the normal course of litigation. The alleged inmate assaults that occurred in May 2017 do not, without more, support issuance of any interlocutory injunctive relief to prevent future harm. By separate order, the court has directed the clerk to attempt service of process on the defendants.

For the reasons stated, it is **ORDERED** that the plaintiff's motion seeking a temporary restraining order (ECF NO. 2) is DENIED.

ENTER: October 5, 2017

/s/ James P. Jones
United States District Judge