

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JORDAN LAWRENCE RAUCH,

Plaintiff,

v.

Case No. 2:13-0468

BRIAN WELCH, C.O. II,
Mt. Olive Correctional Complex, and
JUSTIN COTTRELL, C.O. II,
Mt. Olive Correctional Complex, and
JAMES (a/k/a Jim) RUBENSTEIN,
Commissioner of Division of
Corrections, and RITA ALBURY, Inmate
Movement Coordinator, and
DAVID BALLARD, Warden, Mt. Olive Correctional Complex, and
CHERYL CHANDLER, Warden Executive Assistance, and
SHERRILL LYNN SNYDER, Mental Health Director, and
REGINA STEPHENSON, Director of Classification, and
JUSTIN COOK, C.O. II, Mt. Olive Correctional Complex, and
BENNITT, C.O. II, Mt. Olive Correctional Complex, and
JANE/JOHN DOE, unknown defendants, each named defendant in sued
in his or her individual capacity.

Defendants.

MEMORANDUM OPINION AND ORDER

Pending are the plaintiff Jordan Lawrence Rauch's
motions (1) for transfer to the Northern Correctional Center,
filed July 11, 2013, (2) for appointment of counsel, filed July
26, 2013, and (3) to amend the complaint, filed July 26, 2013.


The motion for transfer contains a single sentence asserting transfer is necessary inasmuch as Mr. Rauch, without further elaboration, "is in danger for his life and safety from staff and other inmates" (Mot. at 1). Inasmuch as the request seeks relief in the nature of a preliminary injunction or declaration, and that Mr. Rauch has not made the showing required for such relief nor apparently exhausted his administrative remedies, it is ORDERED that the motion be, and hereby is, denied. See United States v. South Carolina, 720 F.3d 518, 533 (4th Cir. 2013) ("To obtain a preliminary injunction, a moving party must establish the presence of the following: (1) 'a clear showing that it will likely succeed on the merits'; (2) 'a clear showing that it is likely to be irreparably harmed absent preliminary relief'; (3) the balance of equities tips in favor of the moving party; and (4) a preliminary injunction is in the public interest.") (quoting Real Truth About Obama, Inc. v. Fed. Election Comm., 575 F.3d 342, 346-47 (4th Cir. 2009); West Virginia Ass'n of Club Owners & Fraternal Servs., Inc. v. Musgrave, 553 F.3d 292, 298 (4th Cir. 2009)).

On December 6, 2013, counsel noted his appearance for the plaintiff Jordan Lawrence Rauch. Counsel having expressed

his intention to file an amended complaint, it is ORDERED that plaintiff, by counsel, be, and hereby is, directed to move to amend the complaint on or before January 3, 2014. It is further ORDERED that the previously filed motions for appointment of counsel and to amend the complaint be, and hereby are, denied as moot.

The Clerk is directed to send a copy of this written opinion and order to counsel of record and plaintiff.

ENTER: December 24, 2013



John T. Copenhaver, Jr.
United States District Judge