

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DERRICK L. SMITH,

Plaintiff,

v.

Case No. 16-cv-84-pp

BRIAN FOSTER, *et al.*,

Defendants.

**DECISION AND ORDER DENYING PLAINTIFF'S MOTION FOR
EMERGENCY INJUNCTION AND MOTION FOR
TEMPORARY RESTRAINING ORDER (DKT. NO. 114)**

On March 14, 2017, the plaintiff filed a motion for emergency preliminary injunctive relief and a restraining order. Dkt. No. 93. He asked the court to order that he be transferred to Mendota or Winnebago Correctional Institution, that his medical needs be addressed at the University of Wisconsin Hospital and pain clinic, that “opposing parties” repair or replace his laptop and return his legal materials and personal property, that he be allowed to keep his legal materials in his cell, and that jail staff have no contact with him. *Id.* at 1-2.

The court denied that motion on May 22, 2017. Dkt. No. 113. In the order, the court explained that the purpose of a preliminary injunction or temporary restraining order is “to preserve the relative positions of the parties until a trial on the merits can be held.” *University of Texas v. Camenisch*, 451 U.S. 390, 395 (1981); *Crue v. Aiken*, 137 F.Supp.2d 1076, 1082 (C.D. Ill. April 6, 2001). A motion for a preliminary injunction is not a proper mechanism to pursue additional claims or name additional defendants. *See Wilson v. Gaetz*,

Case No. 14-cv-71, 2015WL4999852, at *1-2 (S.D. Ill. Aug. 21, 2015) (citing Fed. R. Civ. P. 65(d)(2)).

On May 26, 2017, the court received from the plaintiff another motion, titled “supplemental motion for emergency temporary injunctive relief & TRO.” Dkt. No. 114. In this motion, the plaintiff seeks the same relief he sought in his March 14 motion, and again, none of the relief he seeks is related to the claims he brought in the complaint in this case. In addition, none of the allegations in his current motion relate to defendants in this case.

Given the fact that the court issued its order denying the plaintiff’s first motion for injunctive relief on May 22, 2017, and the fact that the court received the plaintiff’s second motion for injunctive relief only four days later (on May 26, 2017), it is possible that the plaintiff had not received the court’s May 22, 2017 order at the time he prepared and sent his second motion. Perhaps if he had received the court’s order first, the plaintiff would not have filed this most recent motion asking for the same relief the court already had denied. It is unnecessary for the court to repeat the reasons for the denial here; the court encourages the plaintiff to review the court’s May 22, 2017 order.

The court **DENIES** the plaintiff’s supplemental motion for emergency temporary injunctive relief & TRO. Dkt. No. 114.

Dated in Milwaukee, Wisconsin this 27th day of June, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge