

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
LEONARD A. CROSS,

Plaintiff,

v.

THOMAS KARLEN, Warden, Jackson  
Correctional Institution; and DENTAL  
STAFF at Jackson — unknown at this  
time,

Defendants.  
-----

ORDER

03-C-142-C

Plaintiff is proceeding in this action on a claim that defendants were deliberately indifferent to his serious dental needs in violation of the Eighth Amendment. Defendants have moved to dismiss the action on the ground that plaintiff failed to exhaust his administrative remedies as required under the 1996 Prisoner Litigation Reform Act. The parties are briefing this motion. Now plaintiff has filed a document titled “Motion for Preliminary Injunction,” in which he seeks an order directing defendants to transfer him out of the Jackson Correctional Institution while this action is pending. Plaintiff suggests that such an order is warranted because he fears he will be retaliated against for having filed this

lawsuit.

Preliminary injunctive relief is not proper where the alleged impending harm is purely speculative. In any event, even if plaintiff had submitted evidence that prison officials were retaliating against him for his having filed this lawsuit, it is the policy of this court to require a claim of retaliation to be presented in a lawsuit separate from the one which is alleged to have provoked the retaliation. This avoids the complication of issues that can result from an accumulation of claims in one action.

If at some later stage of these proceedings plaintiff were to renew his motion and submit admissible evidence to show that prison officials are physically interfering with his ability to prosecute this lawsuit, I would consider the matter. However, that is not the present situation. Plaintiff has access to paper, pens, postage and the mail. He can do legal research if he needs to, despite the fact that his time in the prison law library might be limited. Defendants are not physically preventing him from prosecuting his case.

ORDER

Accordingly, IT IS ORDERED that petitioner's motion for a preliminary injunction is DENIED.

Entered this 7th day of July, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge