

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

-----  
MICHAEL E. WILLIAMS,

Plaintiff,

v.

LORI ALSUM, STEVE HELGERSON,  
DR. DALIA SULIENE and PAUL KETARKUS,

Defendants.  
-----

ORDER

10-cv-433-bbc

Plaintiff Michael Williams is proceeding in this case on his Eighth Amendment claims that defendants Lori Alsum, Steve Helgerson, Dalia Suliene and Paul Ketarkus failed to provide adequate medical treatment to plaintiff for his back and neck injuries. Now, plaintiff has filed a “Order for Preliminary Injunction” in which he asks the court to enjoin “the defendants their successors in office, agents and employees and all other persons acting in concert and participation with them, from having any contact with the plaintiff . . .” In addition, plaintiff asks to be transferred from the Columbia Correctional Institution to the Oshkosh Correctional Institution to be “safe from harm or wrong doing by the defendants.” I will construe plaintiff’s submission as a motion for preliminary injunction brought under

Fed. R. Civ. P. 65(a).

I cannot consider plaintiff's motion for injunctive relief at this time because plaintiff's submission does not comply with this court's procedures for obtaining a preliminary injunction. In particular, plaintiff has not submitted admissible evidence to support his requests for injunctive relief and he has not proposed facts supported by such evidence. Therefore, I will deny his motion without prejudice because he has failed to follow this court's procedures for obtaining injunctive relief. Those procedures are set out in a document titled Procedure To Be Followed On Motions For Injunctive Relief, a copy of which is included with this order. Plaintiff should pay particular attention to those parts of the procedure that require him to submit proposed findings of fact in support of his motion and point to admissible evidence in the record to support each factual proposition.

Even if plaintiff refiles his motion in accordance with the court's procedures on motions for injunctive relief, he is cautioned further that I cannot grant him injunctive relief on issues that do not relate to the claims on which he has been allowed leave to proceed. Plaintiff's allegations that medical staff are "experimenting with his diabetes" and placing restrictions on his diet and ability to work in retaliation for plaintiff's filing this lawsuit do not relate to his claim that defendants failed to treat his head and neck injury after his fall in 2009, so they cannot be addressed in a motion for preliminary injunctive relief in this lawsuit. If plaintiff wants to raise a claim that prison officials are retaliating against him for

filing this lawsuit or failing to adequately treat his diabetes, he will have to do so in a separate lawsuit after he exhausts his administrative remedies as to both claims.

The court recognizes an exception to this policy only where it appears that the alleged retaliation would directly, physically impair the plaintiff's ability to prosecute his lawsuit. If plaintiff were to make this showing, then I would ask defendants' counsel to look into the matter and report the circumstances to the court. However, even if this were to be the case, this court has no authority to ask wardens of state institutions to transfer inmates from one institution to another. Deciding when and where state prisoners are to be transferred is exclusively the job of prison administrators familiar with institution space availability, an inmate's history, security classification and health care needs.

#### ORDER

IT IS ORDERED that plaintiff Michael Williams's motion for preliminary injunctive relief, dkt. #27, is DENIED without prejudice.

Entered this 4th day of May, 2011.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge