

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

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GESA S. KALAFI-FELTON,

Plaintiff,

OPINION AND ORDER

v.

11-cv-480-slc

PETER HUIBREGTSE, GARY BOUGHTON,  
BRIAN KOOL, MELANIE HARPER,  
and DAVID GARDNER,

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GESA S. KALAFI-FELTON,

Plaintiff,

v.

11-cv-731-slc

JOANNE GOVIER and JOHN KUSSMAUL,

Defendants.

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These are two separate § 1983 actions brought by plaintiff Gesa Kalafi-Felton against various staff at the Wisconsin Secure Program Facility in Boscobel, Wisconsin. In case no. 11-cv-480-slc, plaintiff has been allowed to proceed on his claim that defendants Peter Huibregtse, Gary Boughton, Brian Kool, Melanie Harper and David Gardner removed him from the High Risk Offender Program (HROP) and moved him to another housing unit in retaliation for sending the Warden's Office a February 10, 2010 letter complaining about then-deputy warden Boughton's decision on an earlier inmate complaint. In case no. 11-cv-731-slc, plaintiff has been allowed to proceed on a claim that defendants Joanne Govier and John Kussmaul retaliated against him in various ways for verbally complaining about a pat search.

Before the court in both cases is plaintiff's motion for a temporary restraining order, which I construe as a motion for a preliminary injunction under Fed. R. Civ. P. 65(e). Plaintiff asks the court to order defendants to "arrange for plaintiff to be transferred via segregation to any other max prison in the State of Wisconsin to avoid any further constitutional violations by staff employed at Wisconsin Secure Program Facility." Dkt. 58 in 11-cv-480-slc; Dkt. 34 in 11-cv-731-slc. In support of his motion, plaintiff has submitted copies of various conduct reports and inmate grievances that he contends show that corrections officers and staff at WSPF are engaged in a "campaign of petty harassments" designed to keep him in segregation status. Some of these incidents involve defendants in the two above-captioned lawsuits, but others involve other staff who are not parties to either suit. *See* 11-cv-480-slc, dkt. 60, and attached exhibits.

A preliminary injunction is an extraordinary remedy intended to maintain the status quo until the merits of a case can be resolved. *Indiana Civil Liberties Union v. O'Bannon*, 259 F.3d 766, 770 (7th Cir. 2001). "[T]he granting of a preliminary injunction is an exercise of a very far-reaching power, never to be indulged in except in a case clearly demanding it." *Roland Machinery Co. v. Dresser Industries*, 749 F.2d 380, 389 (7th Cir. 1984). A plaintiff asking for emergency or preliminary injunctive relief is required to make a showing with admissible evidence that (1) he has no adequate remedy at law and will suffer irreparable harm if the injunction is not granted; (2) the irreparable harm he would suffer outweighs the irreparable harm defendants would suffer from an injunction; (3) he has some likelihood of success on the merits; and (4) the injunction would not frustrate the public interest. *See Palmer v. City of Chicago*, 755 F.2d 560, 576 (7th Cir. 1985).

Plaintiff's request for a preliminary injunction must be denied in both cases for a number of reasons. First, plaintiff's submissions do not comply with this court's procedures for obtaining a preliminary injunction. 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. In particular, plaintiff has not submitted a proposed statement of facts in support of his request for injunctive relief. For this reason alone, his motions may be denied summarily. *See Procedure*, Section II. D.

Second, even if I was to construe plaintiff's declaration, dkt. 60 and dkt. 35, respectively, as his required proposed findings of fact, he falls far short of showing that he is entitled to injunctive relief. For one thing, his request for injunctive relief far exceeds the scope of either case on which he has been allowed to proceed, insofar as his request is based in part upon actions taken by other staff who are not defendants. For another thing, plaintiff has failed to explain why he lacks an adequate remedy at law to redress the alleged wrongs that the various staff, including defendants, have allegedly taken against him. In other words, plaintiff never says what harm will come to him if he is not transferred, much less that such harm will be "irreparable." There has simply been no showing by plaintiff that he is being threatened with any injury that would impair this court's ability to grant effective relief in either of these cases.

Finally, all plaintiff offers to support his contention that the various disciplinary actions taken against him were "retaliatory" or "fabricated" is his own say-so. This is not enough to satisfy his burden of showing that he is likely to succeed on the merits.

Federal courts do not interfere with matters of prison management, such as which facility a particular prisoner is housed, without a showing that a particular situation violates the Constitution. *Mendoza v. Miller*, 779 F.2d 1287, 1292 (7th Cir.), cert. denied, 476 U.S. 1142

(1986). Here, plaintiff's broad allegation that defendants and numerous others at WSPF are engaged in a campaign of harassment against him is supported by nothing more than speculation. The fact that plaintiff has had conduct reports issued against him and suffered other adverse actions at WSPF is not, by itself, evidence of retaliation or harassment. Even if it were, plaintiff has not shown why the drastic remedy of a prison transfer as opposed to legal relief is warranted. For all these reasons, his motion for a preliminary injunction must be denied.

ORDER

IT IS ORDERED that plaintiff's motion for a preliminary injunction, dkt. 58 in case 11-cv-480-slc and dkt. 34 in case 11-cv-731-slc, is DENIED.

Entered this 16<sup>th</sup> day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge