

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

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MICHAEL RICHMOND,

Petitioner,

v.

JOSEPH SCIBANA, Warden of  
Oxford Prison Camp,

Respondent.  
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ORDER

04-C-417-C

Petitioner Michael Richmond has filed a “motion for emergency injunctive relief,” in which he asks that this court enjoin respondent from retaliating against him because he filed this lawsuit. The motion will be denied.

Petitioner has made no showing that respondent Scibana has retaliated or intends to retaliate against him for exercising his First Amendment rights. Even if petitioner were in a position to make such a showing, I would not consider his request for emergency injunctive relief in the context of this lawsuit. Instead, if he wishes to make a claim of retaliation, he will have to file a separate civil action under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), after exhausting his administrative

remedies pursuant to 42 U.S.C. § 1997e.

ORDER

IT IS ORDERED that petitioner Michael Richmond's motion for emergency injunctive relief is DENIED.

Entered this 16th day of November, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge