

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

THOMAS W. REIMANN,

Plaintiff,

v.

DAVID ROCK, JOHN PAQUIN,
MS. TIERNEY, CATHERINE FERREY
and LIZZIE TEGELS,

Defendants.

ORDER

05-C-501-C

Plaintiff is proceeding in this action on claims that 1) defendant Rock violated his Eighth Amendment rights by failing to implement a soft restraint restriction when plaintiff is transported outside the prison; 2) defendants Catherine Ferrey and Lizzie Tegels violated his First Amendment rights when they ordered his transfer from the New Lisbon Correctional Institution to the Jackson Correctional Institution in November 2004 in retaliation for plaintiff's having threatened to file a lawsuit regarding non-delivery of his mail; 3) defendants John Paquin and Ms. Tierney violated plaintiff's First Amendment rights when they transferred him from the Jackson Correctional Institution to the Stanley Correctional Institution in retaliation for his having filed inmate complaints; and 4)

defendant Rock violated plaintiff's rights under the Eighth Amendment by reducing his medications. Now plaintiff has moved for a preliminary injunction directed at his claim that defendant Rock is denying him an adequate dosage of pain medication, and a motion to strike defendants' response to plaintiff's motion to compel discovery.

Plaintiff's motion to strike defendants' response to his motion to compel discovery will be denied as moot. Magistrate Judge Stephen Crocker ruled on the motion to compel on March 27, 2006, denying the motion in part and granting it in part.

With respect to plaintiff's motion for a preliminary injunction, plaintiff appears to be aware of the standard that must be applied in deciding the motion:

A district court must consider four factors in deciding whether a preliminary injunction should be granted. These factors are: 1) whether the plaintiff has a reasonable likelihood of success on the merits; 2) whether the plaintiff will have an adequate remedy at law or will be irreparably harmed if the injunction does not issue; 3) whether the threatened injury to the plaintiff outweighs the threatened harm an injunction may inflict on defendant; and 4) whether the granting of a preliminary injunction will disserve the public interest.

Pelfresne v. Village of Williams Bay, 865 F.2d 877, 883 (7th Cir. 1989). At the threshold, a plaintiff must show some likelihood of success on the merits and that irreparable harm will result if the requested relief is denied. If plaintiff makes both showings, the court then moves on to balance the relative harms and public interest, considering all four factors under a "sliding scale" approach. See In re Forty-Eight Insulations, Inc., 115 F.3d 1294, 1300 (7th Cir. 1997). Plaintiff has submitted affidavits in support of his motion, but a great deal of

the information contained in those affidavits has no bearing on his claim that defendant Rock is deliberately refusing to provide him with an ample dose of pain medication simply to cause plaintiff needless suffering.

In an effort to insure that this court has a complete factual record before it decides plaintiff's motion for emergency injunctive relief, plaintiff will be required to follow this court's procedures for obtaining such relief. Those procedures are described 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.

Because plaintiff has not submitted proposed findings of fact in support of his motion, together with evidence sufficient to make the showing required for preliminary injunctive relief, I will allow him time to do so before deciding what further action might be appropriate.

ORDER

IT IS ORDERED that a decision whether to require defendant to respond to plaintiff's motion for a preliminary injunction is STAYED until plaintiff submits proposed findings of fact in support of his motion for a preliminary injunction, together with

additional evidentiary materials as he deems appropriate. If, by April 14, 2006, plaintiff fails to support his motion with proposed findings of fact and evidentiary materials as required by this court's procedures, his motion will be denied.

Entered this 31st day of March, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge