

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>TRACY MARKEE,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CIVIL ACTION</b>
<b>v.</b>	)	
	)	<b>No. 03-3120-CM</b>
	)	
<b>ROGER WERHOLTZ, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
<hr style="border: 0.5px solid black;"/>		

**MEMORANDUM AND ORDER**

Plaintiff filed the instant action, alleging that defendants violated his constitutional rights by targeting him for drug testing, by issuing disciplinary reports in retaliation for his exercise of free speech, by arbitrary and capricious conduct relating to his disciplinary hearing, and by depriving him of his personal property. Defendants timely answered. On March 26, 2004, plaintiff filed a Motion for Leave to File a Supplemental Complaint (Doc. 20), alleging that defendants retaliated against him for filing his original civil rights complaint in this matter.

On February 4, 2004, before plaintiff moved to amend his complaint, plaintiff filed a Motion for Temporary Restraining Order and/or a Preliminary Injunction (Doc. 18). In that motion, plaintiff complains of the “first come, first served” basis upon which prisoners are afforded access to the law library and seeks injunctive relief granting him access to the prison law library on all days in which the library is open to the general population.

To prevail on a motion for preliminary injunctive relief, the moving party must establish a relationship between the injury claimed in the motion and the conduct giving rise to the complaint. In other words, “a party moving for a preliminary injunction must necessarily establish a relationship between the injury claimed in the party’s motion and the conduct asserted in the complaint.” *McCormick v. City of Lawrence, Kan.*, 2002 WL 31385811 (D. Kan. Oct. 9, 2002) (citing *Devose v. Herrington*, 42 F.3d 470, 471 (8<sup>th</sup> Cir. 1994) (denying without a hearing plaintiff’s motion for preliminary injunction where motion raised issues entirely different from those presented in complaint)); *see also Omega World Travel, Inc. v. Trans World Airlines*, 111 F.3d 14, 16 (4<sup>th</sup> Cir. 1997) (reversing district court’s granting of motion for preliminary injunctive relief because injury sought to be prevented through preliminary injunction was unrelated to injury which gave rise to complaint).

In this case, plaintiff has asserted no claims in either his complaint or his proposed amended complaint involving a denial of law library access. Rather, plaintiff’s claims concern events which occurred prior to March 7, 2003, the time plaintiff filed his original Complaint, and, according to plaintiff’s proposed amended complaint, defendants’ alleged retaliatory placement of plaintiff into the Intensive Management Unit. As such, plaintiff’s request for injunctive relief is unrelated to the issues presented either in the original or the proposed amended complaints. *See Nicholson v. Murphy*, 2003 WL 22909876, at \* 3 (D. Conn, Sept. 19, 2003) (holding that prisoner’s request for injunctive relief seeking access to law library unrelated to civil rights claims of unconstitutional disciplinary proceedings). The court therefore denies plaintiff’s motion for injunctive relief.

The court now turns to plaintiff's Motion for Leave to File a Supplemental Complaint (Doc. 20). Defendants have filed no response to plaintiff's motion. **As such, the court hereby orders defendants to show cause in writing, on or before June 1, 2004, why plaintiff's Motion for Leave to File a Supplemental Complaint (Doc. 20) should not be granted.**

Finally, the court notes that, on April 20, 2004, defendant Stenzel filed a Motion for Extension of Time to Respond to Discovery Requests (Doc. 26). Since that time, defendant Stenzel has responded to plaintiff's discovery requests. Accordingly, the court grants defendant Stenzel's Motion for Extension of Time to Respond to Discovery Requests (Doc. 26).

**IT IS THEREFORE ORDERED** that plaintiff's Motion for Temporary Restraining Order and/or a Preliminary Injunction (Doc. 18) is denied.

**IT IS FURTHER ORDERED** that defendant Stenzel's Motion for Extension of Time to Respond to Discovery Requests (Doc. 26) is granted.

**IT IS FURTHER ORDERED** that defendants must show cause in writing, on or before June 1, 2004, why plaintiff's Motion for Leave to File a Supplemental Complaint (Doc. 20) should not be granted.

Dated this 21 day of May 2004, at Kansas City, Kansas.

**s/ Carlos Murguia** \_\_\_\_\_  
**CARLOS MURGUIA**  
**United States District Judge**

