

COURTNEY ANTHONY BAILEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 08-0283 (CKK)
	)	
UNITED STATES MARSHAL	)	
SERVICE <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	
COURTNEY ANTHONY BAILEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 08-0754 (CKK)
	)	
DISTRICT OF COLUMBIA <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

Plaintiff actions were dismissed by final order on November 4, 2008. Plaintiff has taken appeals from those final orders. He has also filed three successive motions in this court for relief from the judgment in each of the cases, each of which has been denied with explanation. With his appeals currently active, he now has filed a motion asking this court to enjoin deportation proceedings. His motion will be construed as one for a preliminary injunction made under Rule 65 of the Federal Rules of Civil Procedure, and denied.

A preliminary injunction is emergency relief available only upon a showing that (1) the moving party is substantially likely to succeed on the merits of the lawsuit; (2) he would suffer

irreparable harm in the absence of an injunction; (3) the injunction would not substantially harm other parties; and (4) the injunction would not substantially harm the public interest. *Taylor v. Resolution Trust Corp.*, 56 F.3d 1497, 1505-06 (D.C. Cir. 1995). The court concludes that the plaintiff is not likely to succeed on the merits of his underlying action, a determination that the court has explained multiple times elsewhere and declines to repeat here. *See Bailey v. U.S. Marshal Service*, 584 F. Supp. 2d 128 (D.D.C. 2008); slip op. *Bailey v. U.S. Marshall Service*, 2008 WL 5133958 (D.D.C. Dec. 5, 2008); slip op. *Bailey v. U.S. Marshall Service*, Civil Action No. 08-283 (CKK) (D.D.C. Apr. 2, 2009).

In addition, plaintiff's motion seeks an injunction that would restrain a non-party to this lawsuit. The court is "powerless to issue an injunction against" a non-party. *Citizens Alert Regarding the Environment v. U.S. E.P.A.*, 259 F. Supp. 2d 9, 17 (D.D.C. 2003) (citing Fed. R. Civ. P. 65(d)). Accordingly, it is

**ORDERED** that plaintiff's motion for injunctive relief to forestall deportation proceedings is **DENIED**.

Date: April 6, 2009

/s/  
COLLEEN KOLLAR-KOTELLY  
United States District Judge