

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STEPHEN CHRISTOPHER PLUNKETT,

Plaintiff,

v.

**UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,**

Defendants.

Civil Action No. 21-1232 (JEB)

ORDER

Pro se Plaintiff Stephen Plunkett, a prisoner in Georgia, filed this action under the Freedom of Information Act and the Privacy Act, seeking documents relating to his criminal case. See ECF No. 1 (Complaint) at 1. While the Government continues processing his request and releasing documents, see, e.g., ECF No. 13 (Status Report), Plunkett now moves for a Temporary Restraining Order and Preliminary Injunction. See ECF No. 14 (TRO/PI Mot.). More specifically, he asks the Court to enjoin “Defendants, and their privies, from transferring, harassing, torturing, and communicating with Plaintiff without express authorization of this Court.” Id. at 1. He also “seeks discovery in this action pursuant to Federal Rules of Civil Procedure Rule 26 and in camera inspection of all of Defendants’ components’ files concerning or relating to Plaintiff in any way.” Id.

His Motion has two dispositive flaws. First, his initial injunctive request regarding harassment and communication has nothing to do with his underlying suit. In other words, these actions and proposed relief are not encompassed in his Complaint. Scott v. Schedler, 826 F.3d 207, 214 (5th Cir. 2016) (an “injunction may not encompass more conduct than was requested or

exceed the legal basis of the lawsuit”); Pac. Radiation Oncology, LLC v. Doe, 810 F.3d 631, 633 (9th Cir. 2015) (“When a plaintiff seeks injunctive relief based on claims not pled in the complaint, the court does not have the authority to issue an injunction.”). Second, to the extent he seeks discovery or *in camera* inspection, he has not shown how he is being irreparably harmed without this relief. Absent such harm, preliminary relief is unavailable. E.g., Sherley v. Sebelius, 644 F.3d 388, 392–93 (D.C. Cir. 2011).

The Court accordingly ORDERS that the Motion is DENIED.

/s/ James E. Boasberg
JAMES E. BOASBERG
United States District Judge

Date: February 22, 2022