

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 09-1583

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WILLIAM RAWLS,

Appellant

v.

THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS; BOARD OF PROBATION PAROLE; JEFFREY BEARD, Secretary of Corrections; JOHN S. SHAFFER, Executive Deputy Secretary; CATHERINE C. MCVEY, Chairperson of the Board; CICILIA VALASQUEZ, Director of Operations; RICK ZERAMBO, Partial Unit Director; KARREN GLADDNEY, Partial Unit Supervisor; MELVIN STOKES, Director; AL PLUGAISLIE, Administrator; RHONDA PARKS, Counselor; ERNIE BELLO, Corrections Regional Coordinator; STEPHANIE SMITH, Corrections Regional Coordinator; GERALD ROZUM, Superintendent; STEVEN GATES, Deputy Superintendent; HEIDI SROKA, Assistant of Superintendent; SUSAN DARR, Mail Supervisor; ED MULLIGAN, Unit Manager; ALLEN JOSEPH, Classification Coordinator; MICHAEL PREBISH; REBECCA GAUNTNER, Librarian; ROBERT MCGRATH, Medical Director; RITTENOUR, Sergeant; SEAN FINEGAN; ANDREW SONE; JUSTIN KENNETT, PA Board of Probation and Parole Agents; LOUIS ZAYON; JOSE ALVARADO, PA. Board of Probation and Parole Eastern Division Supervisors; LLOYD WHITE, Board Hearing Examiner; BONNIE BRIGANCE LEADBETTER, Commonwealth of PA. Chief Judge; NEWTON, Director of Operations; KISSIE DOHERTY, Unit Manager; CUMMINGS, Unit Counselor

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On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. Civil No. 2:08-cv-01564)  
District Judge: Honorable Juan R. Sanchez

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Submitted for Possible Dismissal Due to a Jurisdictional Defect or  
Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B) or for  
Possible Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6  
June 11, 2009

Before: SLOVITER, FUENTES and JORDAN, Circuit Judges

(Opinion filed: June 22, 2009 )

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OPINION

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PER CURIAM

William Rawls, an inmate at the State Correctional Institution at Somerset, Pennsylvania, appeals the order of the United States District Court for the Eastern District of Pennsylvania denying his motion for a preliminary injunction. Because the appeal does not present a substantial question, we will summarily affirm. See 3d Cir. LAR 27.4; 3d Cir. I.O.P. 10.6.

I.

As we write primarily for the parties, who are familiar with the facts and procedural history of this case, we only briefly discuss the events leading to this appeal. In August 2008 – a few months after commencing this prisoner civil rights action – Rawls filed a motion for a preliminary injunction. He claimed, inter alia, that Appellees had conducted “an arbitrary [technical parole violation] re-parole review,” had yet to return his previously confiscated legal documents, were tampering with his mail, and were withholding his medical records and not providing treatment for his medical conditions. Rawls sought an order (1) “granting [him] protection” under 18 U.S.C. § 3771 and 61 Pa.

Stat. § 331;<sup>1</sup> (2) authorizing “an impartial Federal investigation into the abuse allegations [he] asserts in his complaints”; and (3) restraining Appellees from “retaining [his] legal property, mail tampering, hindering [his] liberal public/community placement to attain any warranted medical care including therapeutic diet and exercise, and hindering legitimate liberal access to judiciary authorities of any kind, . . . embezzling [his] funds and assets, and deviating from any lawfully just practice(s).”

In February 2009, the District Court denied Rawls’ motion, holding that his “legally and factually unintelligible filings” failed to satisfy the requirements for obtaining a preliminary injunction. Rawls now appeals the District Court’s order to this Court.

## II.

We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1292(a)(1), and “review the denial of a preliminary injunction for an abuse of discretion, an error of law, or a clear mistake in the consideration of proof.” Kos Pharms., Inc. v. Andrx Corp., 369 F.3d 700, 708 (3d Cir. 2004) (internal quotations omitted).

To obtain the “extraordinary remedy” of a preliminary injunction, the moving party must establish: “(1) a likelihood of success on the merits; (2) that [he] will suffer irreparable harm if the injunction is denied; (3) that granting preliminary relief will not

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<sup>1</sup>Section 3771 concerns crime victims’ rights. Because there is no statute styled 61 Pa. Stat. § 331, Rawls presumably intended to refer to 61 Pa. Stat. §§ 331.1 to 331.34a, which are provisions relating to the Pennsylvania Board of Parole.

result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief.” Id. The District Court did not err in concluding that Rawls failed to make this showing, for he did not submit evidence substantiating his claims.<sup>2</sup> See Opticians Ass’n of Am. v. Indep. Opticians of Am., 920 F.2d 187, 192 (3d Cir. 1990) (stating that a preliminary injunction should issue “[o]nly if the movant produces evidence sufficient to convince the trial judge that all four factors favor preliminary relief”). Accordingly, we will summarily affirm the District Court’s denial of Rawls’ motion for a preliminary injunction. To the extent Rawls’ “Leave to File Certificate of Appealability as of [sic] Matter of Law” moves for appointment of counsel or raises additional requests for relief, those requests are denied.

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<sup>2</sup>At the same time Rawls filed this appeal, he moved the District Court to reconsider its denial of his motion for a preliminary injunction. In support of his motion for reconsideration – which the District Court ultimately denied, a ruling that Rawls did not appeal – he submitted three pages of prison medical records. To the extent these records are legible, they do not indicate that Appellees failed to provide treatment; rather, they suggest only that Rawls was suffering from certain medical conditions. Accordingly, even if these medical records were part of the record on this appeal, they would not warrant overturning the District Court’s denial of Rawls’ motion for a preliminary injunction.