

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF MONTANA

SHANE B. MCGLANAHAN,
Plaintiff,

v.

MONTANA STATE PRISON (MSP)
WARDEN, JIM SALMONSEN
Defendant,

Cause No. CV-03-BMM
INJUNCTIVE DECLATORY JUDGMENT/
RELIEF REQUEST IN SUPPORT OF
AMENDED COMPLAINT

1. Comes Now, plaintiff, Shane B. McGlanahan, pro se, with request for injunctive declatory judgment/relief request in support of amended complaint filed by plaintiff on March 3rd, 2022. For reasons, awarding relief to prevent further violations from occurring in the future under Federal Rule of Civil Procedure 65(a), this court has power to enter a preliminary injunction order to protect plaintiff until this court can fully consider plaintiff request for permanent relief.

2. The 8th Amendment protects prisoners from cruel & unusual punishment and the U.S. Supreme Court held in *Estelle v. Gamble* that failure to provide medical care to prisoners violates this amendment. The U.S. Supreme Court went on to explain that "deliberate indifference", ignoring prisoners "serious medical needs", is a violation of the 8th Amendment. In addition, the Supremes held that claims for a violation of denying medical care have an objective and subjective component. [First] prisoner must prove the objective component, that "harm was sufficiently serious." and [Second] prisoner must also show, that "prison officials responsible for the harm knew and ignored an expressive risk to prisoners health." (Please See: March 3rd, 2022 Amended Complaint)

3. Plaintiff, also meets the required four criteria: (1) Plain-

tiff's right to medical for cancer care and treatment has been violated by M.S.P.; (2) Plaintiff is suffering irreparable harm; (3) The level of harm plaintiff is suffering outweighs any possible harm defendant will ever be caused by granting petitioner relief; and, (4) Granting this injunction will serve public interest.

4. Plaintiff would also respectfully point out that injunctive relief is proper because current and ongoing violation refers to violation that exists right now.

TRANSFER


5. In accordance with order granting injunctive relief, the plaintiff will be transferred within (7) days from the execution of this order.

6. In accordance with order granting injunctive relief, the plaintiff will be housed in a southern California Federal Corrections facility, maintaining Class A trusty status at facility.

CONCLUSION

7. Wherefore, plaintiff respectfully requests this court enter an order issuing a writ of execution /or such other relief as this court deems necessary to enforce order granting permanent injunctive declaratory/judgment/relief request for plaintiff.

8. Submitted by Shane B. McClanahan this 9TH day of March, 2022.

By: 
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