

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

VINCENT PEGAN,)	
)	
Plaintiff,)	
)	
v.)	No. 4:24-cv-00096-TWP-KMB
)	
STEVE BUSH,)	
GENE PERROT,)	
CHRIS ROY,)	
)	
Defendants.)	

ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION

This matter is before the Court on Plaintiff Vincent Pegan's ("Mr. Pegan") Motion for Preliminary Injunction (Dkt. 44) and Motion to Appoint Counsel (Dkt. 52). Mr. Pegan is currently incarcerated at Floyd County Jail. He filed this case pursuant to 42 U.S.C. § 1983, alleging that Defendants violated his 8th and 14th Amendment rights by feeding him rotten and bug-ridden nutraloaf. (Dkt. 17). He seeks preliminary injunctive relief, asking the Court to order Floyd County Jail to provide inmates with a 2,500-calorie daily diet as well as "relief of money." Dkt. 44 at 1–2. For the reasons explained below, his Motion for Preliminary Injunction is **denied**, and his request for assistance in recruiting counsel, is **granted**.

I. DISCUSSION

"A preliminary injunction is an extraordinary equitable remedy that is available only when the movant shows clear need." *Turnell v. Centimark Corp.*, 796 F.3d 656, 661 (7th Cir. 2015). To obtain a preliminary injunction a plaintiff first must show that: "(1) without this relief, [he] will suffer irreparable harm; (2) traditional legal remedies would be inadequate; and (3) [he] has some

likelihood of prevailing on the merits of [his] claims." *Speech First, Inc. v. Killen*, 968 F.3d 628, 637 (7th Cir. 2020).

The Court need not address the three threshold elements because, as a preliminary matter, a request for injunctive relief must necessarily be tied to the specific claims on which the plaintiff is proceeding. *See DeBeers Consol. Mines v. United States*, 325 U.S. 212, 220 (1945) (denying injunctive relief for a matter "that lies wholly outside the issues in the suit" because injunctive relief is only appropriate "to grant intermediate relief of the same character as that which may be granted finally"); *Pacific Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 636 (9th Cir. 2015) (holding that absent a nexus between underlying claims and request for injunctive relief, a district court has no authority to grant injunctive relief) (citing *DeBeers Consol. Mines*, 325 U.S. at 220).

Here, Mr. Pegan is proceeding on claims that the nutraloaf Defendants provided to him constituted cruel and unusual punishment under the Eighth Amendment or was objectively unreasonable under the Fourteenth Amendment. Dkt. 38 at 4–5. He is not proceeding on claims regarding the caloric content of his diet generally. And, he informed the Court in his second preliminary injunction motion that Defendants stopped serving nutraloaf on December 16, 2024. Dkt. 32. Accordingly, because there is no nexus between the underlying claims and the requested relief, this Court lacks authority to grant the relief requested. The motion must be denied; Mr. Pegan must pursue any claims about the caloric content of his diet through the Jail's grievance process, and, if necessary, by filing a separate lawsuit.

In addition, the Prison Litigation Reform Act ("PLRA") constrains a court's authority to enter broad, far-reaching injunctions with respect to prison conditions. "Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds

requires preliminary relief, and be the least intrusive means necessary to correct that harm." 18 U.S.C. § 3626(a)(2). "This section of the PLRA enforces a point repeatedly made by the Supreme Court in cases challenging prison conditions: '[P]rison officials have broad administrative and discretionary authority over the institutions they manage.'" *Westerfer v. Neal*, 682 F.3d 679, 683 (7th Cir. 2012) (quoting *Hewitt v. Helms*, 459 U.S. 460, 467 (1983)). In this case, an injunction ordering Floyd County Jail to feed all inmates a diet of 2,500 daily calories would interfere with prison officials' discretion over the institutions that they manage. The PLRA forbids this kind of interference, especially because Mr. Pegan has not submitted evidence that inmates must be served a certain number of calories daily in order to comply with the Constitution.

Last, Mr. Pegan's request for monetary relief is inappropriate for a motion for preliminary injunction. As stated above, preliminary injunctions are only appropriate when "traditional legal remedies would be inadequate." *Speech First, Inc.*, 968 F.3d at 637; *see also Roberson v. Lawrence*, 2021 WL 1515532, at *2 (S.D. Ill. Apr. 16, 2021) ("Injunctive relief is of a wholly different character than monetary damages."). A plaintiff's demand for monetary relief thus signals to the court that this kind of traditional legal remedy is adequate and injunctive relief is not necessary. *See Kowalski v. Chicago Trib. Co.*, 854 F.2d 168, 171 (7th Cir. 1988) (denying plaintiff's motion for preliminary injunction when the plaintiffs agreed that monetary relief in arbitration would be the only remedy for a breach of contract because "a prerequisite to a preliminary injunction . . . is a showing that the plaintiff's remedy at law is inadequate"). Thus, the Court cannot grant Mr. Pegan monetary relief through his motion for preliminary injunction.

Recognizing Mr. Pegan's challenges with his mental health, the Court grants his request to assist in recruiting counsel and the Court will attempt to recruit counsel to represent Mr. Pegan for the limited purpose of assisting him during any settlement negotiations and proceedings in this

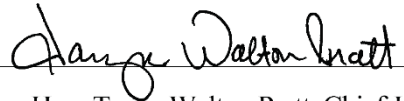
case. Mr. Pegan's Motion for Assistance Recruiting Counsel (Dkt. 52) asks the Court to appoint counsel in Cases No.4:24-28, 4:24-cv-79, 4:24-cv-96, and 4:24-cv-100. This order of recruitment is for this case only. However, if recruited, counsel may elect to enter an appearance in Mr. Pegan's other cases, if deemed appropriate.

III. Conclusion

Because Mr. Pegan's request for injunctive relief is outside the scope of the claims proceeding in this action and interferes with prison officials' discretion over prison administration, his motion for preliminary injunction, Dkt. [44], is **DENIED**. Mr. Pegan's Motion to Appoint Counsel, Dkt. [52] is **GRANTED** so far as the Court will assist in recruiting counsel in this case.

IT IS SO ORDERED.

Date: 6/24/2025


Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

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All ECF-Registered Counsel of Record