

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

STEVEN LEE CRAIG, )  
)  
Plaintiff, )  
vs. ) Case Number CIV-10-659-C  
)  
UNITED STATES OF AMERICA, et al., )  
)  
Defendants. )

**ORDER OF DISMISSAL**

Plaintiff, appearing pro se and in forma pauperis, filed a “Motion for Preliminary Injunction Preceding Civil Rights Complaint and/or Appeal of Administrative Decision.” In this document, Plaintiff asserts that in printing the “Citizen’s Almanac” Defendants incorrectly recited portions of the United States Constitution. Plaintiff now requests injunctive relief preventing further dissemination of the “Citizen’s Almanac.”

Pursuant to the directives of 28 U.S.C. § 1915, the Court has reviewed the allegations of the Complaint. Of particular relevance is subpart (e)(2) of § 1915, which states:

Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—  
(A) the allegation of poverty is untrue; or  
(B) the action or appeal—  
(i) is frivolous or malicious;  
(ii) fails to state a claim on which relief may be granted; or  
(iii) seeks monetary relief against a defendant who is immune from such relief.

The Court is mindful that Haines v. Kerner, 404 U.S. 519 (1972), requires a liberal construction of pro se complaints. However, the Court is not required to imagine or assume

facts in order to permit a complaint to survive. Hall v. Bellmon, 935 F.2d 1106, 1109-10 (10th Cir. 1991). Applying these standards, the Complaint must be dismissed under § 1915(e)(2)(B)(ii), as it fails to state a claim for relief. Although the allegations of the Complaint are less than lucid, what is clear is that Plaintiff has failed to identify any harm arising from the publication and/or the alleged error therein. In the absence of irreparable harm, Plaintiff is not entitled to a preliminary injunction. Fed. R. Civ. P. 65.

Accordingly, pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii), Plaintiff's Motion for Preliminary Injunction Preceding Civil Rights Complaint and/or Appeal of Administrative Decision (Dkt. No. 1) is DISMISSED without prejudice.

IT IS SO ORDERED this 8th day of July, 2010.

  
ROBIN J. CAUTHRON  
United States District Judge