

1995 WL 331790

Only the Westlaw citation is currently available.
United States District Court,
S.D. New York.

John Andrew CUOCO, Plaintiff,

v.

J. Michael QUINLAN, Kenneth Moritsugo, M.D.,
G.L. Hershberger, Don Moore, R. Barraco, M.D.,
M. Malik, M.D. and M. Salamack, Ph.D.,
Defendants.

No. 91 CIV. 7279 (LMM).

|
June 5, 1995.

MEMORANDUM AND ORDER

McKENNA, District Judge.

*1 Plaintiff's motion for an order pursuant to Fed. R. Civ. P. 60(b) granting reconsideration of the Court's order of September 27, 1994 (which denied a motion for a

preliminary injunction, without prejudice, for failure to file a supporting affidavit), and, upon reconsideration, directing the Bureau of Prisons to permit plaintiff "to possess, retain, and use my personal typewriter at any federal prison I may be designated to" and restraining the destruction of that typewriter (Cuoco Aff., March 17, 1994, at 1), is denied.

Even assuming that this Court has jurisdiction over plaintiff's claim regarding his personal typewriter -- a questionable proposition at best, since plaintiff is not housed in this District, and the claim is not related to the underlying claims set forth in plaintiff's complaint -- plaintiff has not shown that he is entitled to the relief sought. Plaintiff has not shown that he does not have access to a typewriter (*see* Losiewicz Aff., April 19, 1995, ¶ 3 ("An electric typewriter is available in the Special Housing Unit law library for inmate use.")), and destruction of his personal typewriter, even if contrary to law, a question the Court does not decide, would not amount to irreparable harm as that concept is found in equity, since plaintiff has an adequate remedy at law in a claim for damages. (*See* Gov't Mem. at 9 n.4.)

SO ORDERED.

All Citations

Not Reported in F.Supp., 1995 WL 331790