

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN SZCZEPANIK,  
Appellant,  
vs.  
JACKIE CRAWFORD,  
Respondent.

No. 41954

**FILED**

JAN 08 2004

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Ribad*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying appellant's motion for a preliminary injunction. Appellant is an inmate who requested a specific housing arrangement, and asserted that his medical condition required the arrangement. He filed suit, alleging that the Department of Corrections' failure to provide him with his requested housing violated his civil rights. He moved for a preliminary injunction requiring the prison to grant his request pending resolution of the lawsuit. The district court denied his motion.

"A preliminary injunction is available if an applicant can show a likelihood of success on the merits and a reasonable probability that the non-moving party's conduct, if allowed to continue, will cause irreparable harm for which compensatory damage is an inadequate remedy."<sup>1</sup> The district court's decision of whether to grant a preliminary injunction is


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<sup>1</sup>Dangberg Holdings v. Douglas Co., 115 Nev. 129, 142, 978 P.2d 311, 319 (1999); see also NRS 33.010.


discretionary, and will not be disturbed on appeal absent an abuse of discretion.<sup>2</sup>

Here, the record reflects that appellant was offered the precise housing that he claimed to want, but that appellant refused to move unless another inmate, with documented disciplinary problems, was permitted to move with him. Under these circumstances, we perceive no abuse of discretion by the district court in denying a preliminary injunction. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. William A. Maddox, District Judge  
Attorney General Brian Sandoval/Carson City  
Stephen Szczepanik  
Carson City Clerk

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<sup>2</sup>See Dangberg, 115 Nev. at 142-43, 978 P.2d at 319; see also Number One Rent-A-Car v. Ramada Inns, 94 Nev. 779, 587 P.2d 1329 (1978).