

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD A. BRAWNER, JR.,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondent.

No. 42201

FILED

JUL 05 2006

ORDER OF AFFIRMANCE

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

This is a proper person appeal from a district court order denying a preliminary injunction. Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

Appellant, an inmate at the Lovelock correctional center, alleges that after the Washoe library system sent him several internet photographs of child celebrities that he had requested, respondent Department of Corrections refused to allow him to receive the pictures. After appellant filed a grievance, the Department of Corrections denied it, stating that it was inappropriate for appellant to receive the child celebrities' pictures, as he had been convicted of crimes involving children. The Department of Corrections explained to appellant that he had thirty days to decide whether to have the pictures destroyed or have them sent back to the library. Appellant then filed a motion for preliminary injunction in the district court, seeking to enjoin respondent from destroying the pictures. The district court denied appellant's motion, and this appeal followed.

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 damages are inadequate.¹ The decision whether to grant a preliminary injunction is within the district court's sound discretion, and its decision will not be disturbed on appeal absent an abuse of discretion.²

After reviewing the record, we conclude that the district court did not abuse its discretion when it found that respondent's conduct will not result in irreparable harm to appellant and that there was no reasonable probability of appellant's success on the merits. Accordingly, the district court properly denied appellant's motion for preliminary injunction, and we affirm the district court's order.

It is so ORDERED.³

Becker, J.
Becker

Parraguirre, J.
Parraguirre

Shearing, Sr. J.
Shearing

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

²Dangberg, 115 Nev. At 142-43, 978 P.2d at 319.

³Although appellant was not granted leave to file briefs in proper person, see NRAP 46(b), we have considered the proper person opening brief received from appellant.

The Honorable Miriam Shearing, Senior Justice, participated in the decision of this matter under a general order of assignment entered January 6, 2006.

cc: Hon. Richard Wagner, District Judge
Richard A. Brawner Jr.
Attorney General George Chanos/Carson City
Pershing County Clerk