

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD B. WESLEY, Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
DONALD T. VAUGHN, et al., Defendants.	:	No. 99-1228 99-1229

MEMORANDUM AND ORDER

J. M. KELLY, J.

APRIL 24 , 2003

Presently before the Court is a letter dated April 22, 2003 from pro se Plaintiff Ronald B. Wesley ("Plaintiff"), a prisoner currently in the custody of the Pennsylvania Department of Corrections at Graterford, seeking access to his trial-related legal materials, allegedly stored among his belongings in the prison property room, in preparation for his May 5, 2003 trial before this Court. Plaintiff claims that despite making every possible effort, the officer in charge of the property room continues to deny Plaintiff access to his trial-related discovery materials stored in that room. While we note that Plaintiff has not served the instant letter upon the defendants, with time being of the essence and in the interest of justice, this Court will construe Plaintiff's letter as a request for court-ordered access to his trial-related legal materials.<sup>1</sup>

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<sup>1</sup> This Court could also construe Plaintiff's letter as an ex parte request for a temporary restraining order. When considering a motion for a temporary restraining order, the district court must decide: (1) whether the moving party has

It is, therefore, **ORDERED** that Plaintiff's request for access to his trial-related legal materials in preparation of his May 5, 2003 trial before this Court is **GRANTED** and that appropriate officials at Graterford Prison shall provide Plaintiff with immediate and reasonable access to his trial-related legal materials stored in the prison property room, if any, in preparation for his May 5, 2003 trial before this Court.

It is **FURTHER ORDERED** that the Clerk of Court docket Plaintiff's April 22, 2003 letter to this Court as a Request for Court-Ordered Access to Trial-Related Legal Matters.

BY THE COURT:

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JAMES MCGIRR KELLY, J.

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shown a reasonable probability of success on the merits; (2) whether the moving party will be irreparably harmed by the denial of relief; (3) whether granting the preliminary relief will result in even greater harm to the nonmoving party; and (4) whether granting the preliminary relief will be in the public interest. Brian B. ex rel. Lois B. v. Pa. Dep't of Edu., 230 F.3d 582, 583 (3d Cir. 2000). All four factors should favor preliminary relief before the injunction will issue. S & R Corp. v. Jiffy Lube Int'l, Inc., 968 F.2d 371, 374 (3d Cir. 1992). Far from being a model request for relief from this Court, we are nevertheless satisfied that applying the allegations of Plaintiff's letter to the foregoing four-factor test favors injunctive relief.