

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES EDWARD SPENCER, #137970)	
)	
Plaintiff,)	Case No. 2:09-cv-1089-MEF
v.)	
)	
BOB RILEY, <i>et al.</i> ,)	(WO-DO NOT PUBLISH)
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

Upon consideration of the Recommendation of the Magistrate Judge (Doc. # 33) and the Plaintiff’s Objections to that recommendation (Doc. # 34), the Court does not believe that the Plaintiff has met the criteria for obtaining a preliminary injunction. Specifically, the Plaintiff has failed to demonstrate (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury; (3) that the threatened injury outweighs the potential damage to the non-moving party; and (4) that the injunction would not be adverse to the public interest. *See Palmer v. Braun*, 287 F.3d 1325, 1329 (11th Cir. 2002).

Accordingly, it is hereby ORDERED that the Recommendation of the Magistrate is ADOPTED (Doc. # 33) and the Plaintiff’s Objections are OVERRULED (Doc. # 34).

Done this the 29th day of July, 2011.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE