

orders are designed to preserve the status quo prior to the court's consideration of a case on its merits, and are not intended as a substitute for relief on the merits of the case. *See generally* Federal Savings & Loan Insurance Corp. v. Dixon, 835 F.2d 554, 558 (5th Cir. 1987); Shanks v. City of Dallas, Texas, 752 F.2d 1092, 1096 (5th Cir. 1985). Otherwise, the normal procedures would be short-circuited by the simple vehicle of trying a case by way of a motion for injunctive relief. Ali cannot try his case through the vehicle of a request for injunctive relief.

In addition, Ali's case was on appeal at the time that he sought the injunction. The Fifth Circuit has held that the taking of an appeal divests the district court of jurisdiction except as to those matters in aid of the appellate court's jurisdiction. Willie v. Continental Oil Co., 746 F.2d 1041 (5th Cir. 1984). Ali has made no showing that his request for injunctive relief is a matter in aid of the appellate court's jurisdiction.

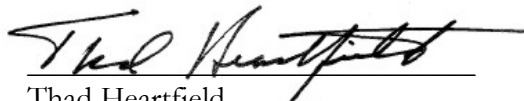
The Court has conducted a careful *de novo* review of the pleadings in this cause, the Report of the Magistrate Judge, and the Movant's objections thereto. Upon such review, the Court has concluded that the Movant's objections are without merit. It is accordingly

ORDERED that the Movant's objections are overruled and that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Movant's motion for leave to file out-of-time objections (docket no. 33) is GRANTED. It is further

ORDERED that the Movant's application for a preliminary injunction (docket no. 21) is DENIED.

SIGNED this the **21** day of **October**, 2009.



Thad Heartfield
United States District Judge