

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

ROY LEE McATEER, )  
AIS # 147346, )  
 )  
Plaintiff, )  
 )  
v. )  
LEE POSEY DANIELS, )  
 )  
Defendant. )

CASE NO. 2:11-CV-0630-WKW

**ORDER**

On August 9, 2011, the Magistrate Judge filed a Recommendation in this case (Doc. # 6), to which Plaintiff McAteer timely objected (Doc. # 8). The court has conducted a *de novo* review of those portions of the Recommendation to which objection is made. *See* 28 U.S.C. § 636(b)(1).

The Magistrate Judge recommended that Plaintiff McAteer’s motion for preliminary injunction be denied for failure to bear his burden on the first three of the four requisite elements for issuance of a preliminary objection. (Doc. # 6, at 3.) Plaintiff McAteer objected, arguing that this finding was premature because no discovery has been conducted in this matter. (Doc. # 8, at 1-2.) Plaintiff bears the burden to demonstrate the existence of each of the prerequisites for issuance of a preliminary injunction, and he has failed to carry that burden. *Scott v. Roberts*, 612

F.3d 1279, 1290 (11th Cir. 2010). The Objection also failed to show good cause why expedited discovery should be conducted in this case. *See, e.g., Qwest Commc'ns Intern., Inc. v. WorldQuest Networks, Inc.*, 213 F.R.D. 418, 419 (D. Colo. 2003) (listing cases).

Accordingly, it is ORDERED that the Objection is DENIED, and the Recommendation is ADOPTED as follows:

1. The motion for preliminary injunction filed by Plaintiff is DENIED, and
2. The case is referred back to the Magistrate Judge for additional proceedings.

DONE this 24th day of August, 2011.

                                /s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE