

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

FREDRICK HARRIS, #202 390,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 2:13cv-843-WHA
)	
OFFICER YELDER,)	(wo)
)	
Defendant.)	

ORDER

This case is before the court on the Plaintiff’s Motion to Dismiss Without Prejudice (Doc. #10), filed on January 3, 2014, and the Recommendation of the Magistrate Judge that Plaintiff’s motion be granted (Doc. #11), entered on January 14, 2014. On January 23, 2014, the Plaintiff filed Doc. #12, in which he alleged that his earlier Motion to Dismiss his Complaint was filed as a result of intimidation. The court treats this document, together with a Notice (Doc. #13), filed by the Plaintiff on February 3, 2014, as objections to the Recommendation of the Magistrate Judge. Doing so, the court SUSTAINS the objections and REJECTS the Recommendation of the Magistrate Judge, which was entered before the Plaintiff’s allegations of intimidation.

The court also treats Docs. #12 and #13 as a Motion for Temporary Restraining Order, and doing so, it is hereby ORDERED as follows:

1. The Motion for Temporary Restraining Order is DENIED.

2. This case is returned to the Magistrate Judge to consider Docs. #10, #12 and #13, together with Doc. #14, being a Motion to Amend, as a Motion for Preliminary Injunction, and to enter a Report and Recommendation as to same.

DONE this 26th day of February, 2014.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE