

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

MILTON HAMBRIGHT,)
)
 Plaintiff,)
 v.) Civil Action No. 2:18cv358-WHA
) [WO]
 ALABAMA BOARD OF PARDONS AND)
 PAROLES, et al.,)
)
 Defendants.)

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #6), the Plaintiff's Objections thereto (Doc. #7).

Upon an independent review of the record and consideration of the Recommendation and the Objections to the Recommendation, the court finds the Objections to be without merit.

The Plaintiff filed a motion for preliminary injunctive relief in which he seeks to enjoin the defendant parole board members from acting as members of the Alabama Board of Pardons and Parole because they were not properly confirmed as Board members under state law. Plaintiff further seeks to enjoin Defendants from retaliating against him for his litigation activities.

The Magistrate Judge recommended that the motion be denied, finding that the requests for preliminary injunctive relief are either too broad and vague to be enforceable or concern the subject matter of his complaint which provides him with an adequate avenue for redress of his allegations.

The Plaintiff has filed an objection to the Recommendation by the Magistrate Judge that his request for a preliminary injunction be denied. In his objections, the Plaintiff maintains he is perplexed as to how the court can deny a ground for relief prior to deciding the case. Plaintiff further inquires as to whether the relief sought in his motion for a preliminary injunction would be precluded if the court adopts the Recommendation.

Contrary to Plaintiff's arguments, the Magistrate Judge's Recommendation that preliminary injunctive relief be denied did not address any claims on the merits and does not operate to preclude Plaintiff's request for injunctive relief as requested in the complaint. Accordingly, it is ORDERED that:

1. The Objections are OVERRULED.
2. The Magistrate Judge's Recommendation (Doc. # 6) is ADOPTED and the Motion for Preliminary Injunction is DENIED.
3. The case is referred to the Magistrate Judge for additional proceedings.

DONE this 12th of April, 2018.

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