

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

LARRY JERONE GRADY,)	
# 143344,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 3:11-CV-430-WKW [WO]
)	
KENNETH JONES, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

On April 17, 2012, the Magistrate Judge filed a Report and Recommendation (Doc. # 26) regarding Plaintiff's "Emergency Protective Order" (Doc. # 22). Plaintiff filed a timely objection. (Doc. # 33.) The court reviews *de novo* the portion of the Recommendation to which the objection applies. 28 U.S.C. § 636(b)(1). For the reasons that follow, the objection is due to be overruled and the Recommendation adopted.

The Magistrate Judge construed Plaintiff's motion for an "Emergency Protective Order" as a motion for a temporary restraining order. The Magistrate Judge then recommended that the motion be denied for failure to comply with the requirements in Rule 65(b) of the Federal Rules of Civil Procedure.¹ Plaintiff has not

¹ A temporary restraining order may issue "only if . . . specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury will result to the movant

demonstrated the requirements for Rule 65(b) relief. Specifically, Plaintiff has not made any showing that he will suffer immediate and irreparable injury from any delay caused by litigating over his access to legal documents. Plaintiff's objection simply reiterates the points made in his previous pleadings, and while those pleadings provide additional information about subsequent events, neither these events nor his objections remedy his motion's deficiencies. After a *de novo* review of the file, the court finds no error in the Magistrate Judge's recommendation.

Accordingly, it is ORDERED that:

1. Plaintiff's objections (Doc. # 33) are OVERRULED;
2. the Recommendation of the Magistrate Judge (Doc. # 26) is ADOPTED;
3. Plaintiff's Motion for a temporary restraining order (Doc. # 22) is DENIED; and
4. pursuant to 28 U.S.C. § 636(b), this case is REFERRED back to the Magistrate Judge for all pretrial proceedings and entry of any orders or other recommendations as may be appropriate.

DONE this 6th day of August, 2012.

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

before the adverse party can be heard in opposition.” Fed. R. Civ. P. 65(b).