

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

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|---------------------|---|--------------------------------|
| JAMES CHARLEY MOON, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | CIVIL ACTION NO. 3:18CV369-WHA |
| |) | |
| DR. ELLIS, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

This cause is before the court on the Magistrate Judge’s Recommendation on the Motion for Preliminary Injunction (Doc. #21) and the Plaintiff’s Objection thereto (Doc. #24).

The Plaintiff, Moon, identifies an injury sustained in July of 2017 for which he seeks treatment.

The Magistrate Judge considered the requirements for issuance of injunctive relief, including a showing by Moon of (1) a substantial likelihood of success on the merits; (2) a substantial threat irreparable injury will occur absent issuance of the injunction; (3) the threatened injury outweighs the potential damage the requested injunctive relief may cause the non-moving parties; and (4) the injunction would not be adverse to the public interest. (Doc. #21)(citing *Palmer v. Braun*, 287 F.3d 1325, 1329 (11th Cir. 2002)). The Magistrate Judge concluded that the medical evidence in the case showed that Moon had not met these requirements.

In his objection, Moon relies on the same medical evidence to argue that he is in need of medical care for his wrist. In his response, Moon contends that he requires surgery because his wrist fracture healed before surgery was initially performed. The evidence indicates that the previous wrist fracture healed at a point in the past, and that additional surgery will require him

to have his healed wrist re-broken.

Upon *de novo* review of the Motion, the response to it and the accompanying evidence, the Magistrate Judge's Recommendation and the response to that recommendation, this court agrees that Moon has not established all of the requirements for injunctive relief.

Accordingly, it is hereby ORDERED as follows:

1. The court adopts the Recommendation of the Magistrate Judge and the Objection is OVERRULED.
2. The Motion for Preliminary Injunction (Doc. #10) is DENIED.
3. The case is referred back to the Magistrate Judge for additional proceedings with respect to the claims raised in the complaint as amended.

Done this 6th day of June, 2018.

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