

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

TERRY KILLINGSWORTH,)
)
Plaintiff)
)
vs.)
)
WARDEN WILLIE THOMAS,)
et al.,)
)
Defendants)

Case No. 7:13-cv-02186-RBP-HGD

ORDER

Plaintiff filed a Motion for Temporary Restraining Order and was permitted to add additional allegations thereto. (Docs. 10 & 16). The magistrate judge filed a report and recommendation on May 16, 2014, recommending that plaintiff’s Motion for Temporary Restraining Order be denied. (Doc. 21). The plaintiff filed objections to the report and recommendation on May 29, 2014. (Doc. 24).¹

¹ On June 11, 2014, plaintiff filed a “Motion to Clarify Facts of Pleadings and Motion to Direct Clerk for Production” in which he alleged that the magistrate judge’s report and recommendation erroneously listed the date he was assaulted as April 19, 2013, when he was actually assaulted on April 9, 2013. (Doc. 28). Plaintiff’s motion to clarify the date is construed as an objection to correct a factual error in the report and recommendation. Nonetheless, the exact date of the assault does not alter the material facts and legal conclusions in the report and recommendation. Plaintiff’s motion to direct clerk for production is **REFERRED** to the magistrate judge.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, plaintiff's Motion for Temporary Restraining Order (Docs. 10 & 16) is DENIED.

The Clerk is DIRECTED to TERM Docs. 10 & 16.

The Clerk is FURTHER DIRECTED to send a copy of this Order to plaintiff and counsel for the defendants.

DONE this 23rd day of July, 2014.

A handwritten signature in black ink, reading "Robert B. Propst". The signature is written in a cursive style with a large initial 'R' and 'P'. Below the signature is a solid horizontal line.

ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE