

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PATRICK J. CHAREST,)	
)	
Plaintiff,)	
)	
vs.)	CIV. ACT. NO. 1:20-cv-214-TFM-N
)	
KAY IVEY, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

On May 4, 2020, the Court entered an order denying Plaintiff’s Motion for a Temporary Restraining Order and after expediting briefing, referred the Motion for a Preliminary Injunction to the Magistrate Judge. *See* Docs. 5, 14. On July 6, 2020, the Magistrate Judge entered a report and recommendation (“R&R”) which recommends the motion for preliminary injunction be denied. *See* Doc. 19. Plaintiff filed a document entitled *Emergency Motion for De Novo Review and Issuance of P.I.* (Doc. 20, filed July 13, 2020). The document is dated July 8, 2020 with a postmark of July 9, 2020. Given the prison mail time, the reference to the R&R issued on June 17, 2020 along with the recognition that the R&R was withdrawn, it is not clear that these were intended as objections to the more recent R&R.

Regardless, the Court has considered the objections here. The Court has reviewed the report and recommendation, objections, and conducted a de novo review of the case file. For the reasons discussed below, the objections are **OVERRULED** and the Report and Recommendation is **ADOPTED** as the opinion of the Court.

Plaintiff specifically states in his “Emergency Motion” (Objections) that there are some positive tests within the prison population and 2 ADOC officers. He also asserts that COVID-19

“came inside due to defendant’s own deliberate indifference to human suffering.” *See* Doc. 20 at 5. However, nothing in his objections overcome the Magistrate Judge’s well-reasoned analysis.

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, Plaintiff’s objections styled as *Emergency Motion for De Novo Review and Issuance of P.I.* (Doc. 20) are **OVERRULED** and the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that the Plaintiff’s motion for preliminary injunction (Doc. 4) is **DENIED**.

This case is **REFERRED BACK** to the Magistrate Judge for further proceedings.

DONE and **ORDERED** this 28th day of August, 2020.

/s/Terry F. Moorner
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE