

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**JOHN CALDWELL
ADC #090188**

PLAINTIFF

V.

5:09CV00129 JMM

GRANT HARRIS, WARDEN, et al

DEFENDANTS

ORDER

Pending is Plaintiff's Motion to Reconsider Preliminary Injunction (Docket # 93).

Plaintiff asks the Court to reconsider its Order of January 11, 2010 wherein the Court adopted the Partial Report and Recommendations of Magistrate Judge J. Thomas Ray. On December 23, 2009, Judge Ray recommended that the Court deny Plaintiff's motion for preliminary injunction. After making a *de novo* review of the record, the Court adopted Judge Ray's recommendation. In the Order, however, the Court mistakenly stated that Plaintiff had filed objections to the recommendation. In fact, Plaintiff did not file an objection to Judge Ray's recommendation until two weeks after this Court's Order. Plaintiff now asks the Court to reconsider its decision, to consider his objections, and to grant his motion for preliminary injunction.

Plaintiff alleges that the Defendants have failed to provide adequate medical care for his bilateral inguinal hernias. In his motion for preliminary injunction, Plaintiff asks the Court to order Defendants to transport him to a "redo inguinal hernia specialist that will adequately diagnose and repair [his] enlarging painful inguinal hernias, bowel blockage, incisional granulation formation, staple migration and bowel bleeding." (Brief in Support of Preliminary Inj., at 3-4.)

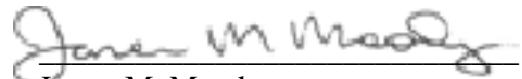
Judge Ray noted in his Recommendation that Plaintiff was examined by a surgeon who diagnosed Plaintiff with bilateral recurrent hernias. The surgeon recommended further testing to

determine whether surgery was necessary. The surgeon determined that Plaintiff's condition was not urgent. (Partial Recomm., at 3.) Therefore, Judge Ray determined that Plaintiff's request for an injunction was moot.

In his Motion for Reconsideration, Plaintiff submits the same basic arguments regarding his condition as previously stated, *i.e.*, certain medical records are missing from his medical file and the Court is not taking into account his true physical condition. In other words, there is no new evidence in the Motion for Reconsideration to support Plaintiff's Motion for Preliminary Injunction. Therefore, the Court reaffirms its Order adopting the Partial Report and Recommendation.

Accordingly, Plaintiff's Motion for Reconsideration (Docket #93) is DENIED.

IT IS SO ORDERED this 5th day of April, 2010.

A handwritten signature in cursive script, appearing to read "James M. Moody", written over a horizontal line.

James M. Moody
United States District Judge