

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DALE B. ADAMS

PLAINTIFF

v.

Case No. 09-3054

TYSON FOODS, INC., ET AL.

DEFENDANTS

ORDER

NOW on this 13th day of April 2010, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (document #41) filed on March 8, 2010. The Court, being well and sufficiently advised, finds as follows:

1. The Report and Recommendation of the Magistrate Judge (document #41) was filed on March 8, 2010.

2. On March 17, 2010, the plaintiff filed his Response to Report & Recommendation: March 8, 2010 (document #49).

3. The plaintiff filed this employment discrimination case pursuant to Title VII, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Equal Pay Act (EPA), the Sarbanes-Oxley Act, 42 U.S.C. § 1981, and the Arkansas Civil Rights Act.

4. The Report and Recommendation concerns plaintiff's February 22, 2010 request for injunctive relief. The Report and Recommendation sets forth the *Dataphase* factors which govern the issuance of temporary restraining orders and preliminary injunctions under Rule 65 of the Federal Rules of Civil Procedure; and, noting that neither the USDA nor any other government agencies

Adams seeks injunctive relief against are parties to Adams' instant lawsuit, recommends that the motion for preliminary injunction or temporary restraining order be denied.

5. In the plaintiff's response to the Report and Recommendation, he acknowledges that the instant lawsuit is not against the USDA or other government agencies.

6. The Court finds that Report and Recommendation should be, and hereby is, **adopted in its entirety**, and that the plaintiff's motion for injunctive relief (document #29) is **denied**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT COURT