

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

DALE B. ADAMS

PLAINTIFF

v.

Case No. 3:11-CV-03043

UNITED STATES DEPARTMENT OF
LABOR/OSHA; and HILDA SOLIS,
United States Secretary of Labor

DEFENDANTS

ORDER

Currently before the Court is the Report and Recommendations (Doc. 18) filed in this case on November 8, 2011, by the Honorable James R. Marschewski, Chief United States Magistrate Judge for the Western District of Arkansas. Also before the Court are Plaintiff's Objections (Doc. 25).

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: Plaintiff's objections are lengthy but largely nonresponsive or irrelevant as to the legal findings made by the Magistrate Judge and set forth in the Report and Recommendations. The Report and Recommendations rightly set forth the law that Plaintiff cannot pursue his claim in this case under the Administrative Procedure Act ("APA") and the Freedom of Information Act ("FOIA") at the same time, nor can Plaintiff assert a new claim under the Patriot Act through a motion in this action where there is no viable connection between the injury claimed in the motion and the conduct asserted in Plaintiff's Complaint. Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendations. The Report and Recommendation (Doc. 18) is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendations, **IT IS ORDERED** that Defendants' Motion to Dismiss Plaintiff's APA claim (Doc. 10) is **GRANTED**, and Plaintiff's claims brought under the

APA are DISMISSED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Injunctive Relief (Doc. 13) is DENIED.

This Order does not affect the pendency of Plaintiff's claims under the FOIA.

IT IS SO ORDERED this 25th day of January, 2012.

/s/ P. K. Holmes, III

P.K. HOLMES, III
UNITED STATES DISTRICT JUDGE