

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

VICTOR WHITE JR.

PLAINTIFF

VS.

CASE NO. 4:11-cv-4058

CITY OF STAMPS, ARKANSAS

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed October 4, 2012 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 35). Judge Bryant has examined Plaintiff's Motion to Freeze a Bank Account at Bodcaw Bank (ECF No. 33) and Defendant's Response. (ECF No. 34). Judge Bryant recommends that the motion be denied. Petitioner has filed an objection to Judge Bryant's report. (ECF No. 36). After conducting a *de novo* review of the record, the Court adopts Judge Bryant's Report and Recommendation as its own.

Plaintiff seeks to freeze a bank account at Bodcaw Bank that Defendant presumably controls until after the trial in this matter is concluded. The Court construes Plaintiff's motion as a motion for preliminary injunction. Judge Bryant found that Plaintiff failed to assert any factual basis that would allow for such injunctive relief. In Plaintiff's objection to Judge Bryant's report, he seems to describe why the account at Bodcaw Bank is relevant to his case, but stops short of establishing facts that warrant injunctive relief.

A district court balances four factors when ruling on a preliminary injunction: "(1) the likelihood of the movant's success on the merits; (2) the threat of irreparable harm to the movant

in the absence of relief; (3) the balance between that harm and the harm that the relief would cause to the other litigants; and (4) the public interest.” *Watkins Inc. v. Lewis*, 346 F.3d 841, 844 (8th Cir. 2003). The party seeking the injunctive relief bears the burden of proving these factors. *Id.* “Failure to show irreparable harm is an independently sufficient ground upon which to deny a preliminary injunction.” *Id.*

Here, Plaintiff fails to demonstrate irreparable injury, or for that matter, any of the other requisite factors for a preliminary injunction. Accordingly, the Court adopts Judge Bryant’s Report and Recommendation in its entirety. Therefore, Plaintiff’s Motion to Freeze a Bank Account at Bodcaw Bank (ECF No. 33) is **DENIED**.

IT IS SO ORDERED, this 29th day of October, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge