

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

DARREL CUMMINGS,

Plaintiff,

v.

CASE NO. 4:07cv428-RH/WCS

WARDEN DUFFIE HARRISON
et al.,

Defendants.

_____ /

**ORDER DENYING TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

This case is before the court on the magistrate judge's second report and recommendation (document 121). No objections have been filed. Upon consideration,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The motion for a temporary restraining order and preliminary injunction

(document 119) is DENIED. This matter is remanded to the magistrate judge for further proceedings.

SO ORDERED on April 20, 2010.

s/Robert L. Hinkle
United States District Judge