

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

DENNY L. NEWMAN,

Plaintiff,

v.

CASE NO. 5:15cv102-RH/GRJ

MOSES IZUEGBU et al.,

Defendants.

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

This case is before the court on the magistrate judge's report and recommendation, ECF No. 61, and the objections, ECF No. 65. I have reviewed de novo the issues raised by the objections.

This order accepts the report and recommendation and adopts it as the court's opinion on these matters: the factual and procedural background; the proper consideration of the plaintiff's motion as a motion for a preliminary injunction without separate consideration as a motion for a temporary restraining order; the four-part test that governs the motion for a preliminary injunction; and one ground for denying that motion—that the plaintiff has failed to show a substantial

likelihood of success on the merits. The failure to make that showing makes it unnecessary to consider the other three prerequisites to a preliminary injunction.

For these reasons,

IT IS ORDERED:

The report and recommendation is accepted. The amended motion for temporary restraining order or preliminary injunction, ECF No. 49, is denied.

SO ORDERED on November 1, 2015.

s/Robert L. Hinkle
United States District Judge