

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-20203-CIV-LENARD/WHITE

**EDDIE LEE BANKS,**

Plaintiff,

vs.

**NURSE VASSELLER, et al.,**

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE  
JUDGE (D.E. 45) AND DENYING PLAINTIFF'S MOTION FOR PRELIMINARY  
INJUNCTION (D.E. 42)**

**THIS CAUSE** is before the Court on the Report of Magistrate Judge Patrick A. White (“Report,” D.E. 45), issued on June 23, 2009, recommending denial of Plaintiff’s Motion for Preliminary Injunction (“Motion,” D.E. 42), filed on June 12, 2009. As of the date of this Order, Plaintiff has not filed any objections to the Report. Failure to file timely objections shall bar the parties from attacking on appeal the factual findings contained in the report. See Resolution Trust Corp. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). Based on a review of the Magistrate Judge’s Report, the Motion, the related pleadings, and the record, it is hereby **ORDERED AND ADJUDGED** that:

1. The Report and Recommendation of Magistrate Judge Patrick A. White (D.E. 45), issued on June 23, 2009, is **ADOPTED**.
2. Consistent with the Report and this Order, Plaintiff Bank’s Motion for

Preliminary Injunction (D.E. 42), is **DENIED**.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 28th day of July, 2009.

  
**JOAN A. LENARD**  
**UNITED STATES DISTRICT JUDGE**