

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

MICHAEL DAVID DENNEY, :

Plaintiff, :

v. :

CASE NO.: 1:06-CV-172 (WLS)

CYNTHIA NELSON, *et al.*, :

Defendants. :

**ORDER**

Before the Court is a Report and Recommendation from United States Magistrate Judge Claude W. Hicks, Jr., filed January 20, 2010. (Doc. 65). It is recommended that Plaintiff's Motion for Temporary Restraining Order and/or Preliminary Injunction (Doc. 47) be denied. (Doc. 65 at 1-2). It is also recommended that Defendant's Motion to Dismiss or, in the Alternative, Motion to Compel and for Sanctions and Extension of Discovery (Doc. 55) be denied to the extent that it requests dismissal.<sup>1</sup> (Doc. 65 at 2-4).

The Report and Recommendation provided the Parties with fourteen (14) days to file written objections to the recommendations therein. (*Id.* at 4). The period for objections expired on February 3, 2010; no objections have been filed to date.

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 65) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Plaintiff's Motion for Temporary Restraining Order and/or Preliminary Injunction (Doc. 47) is

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<sup>1</sup> Judge Hicks granted Defendant's request for an order compelling Plaintiff's deposition, denied the imposition of sanctions on Plaintiff, and extended the discovery period to allow for the taking of Plaintiff's deposition. (Doc. 65 at 4).

**DENIED**, and Defendant's Motion to Dismiss or, in the Alternative, Motion to Compel and for Sanctions and Extension of Discovery (Doc. 55) is **DENIED** to the extent that it requests dismissal.<sup>2</sup>

**SO ORDERED**, this 24<sup>th</sup> day of February, 2010.

/s/ W. Louis Sands  
**THE HONORABLE W. LOUIS SANDS,**  
**UNITED STATES DISTRICT COURT**

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<sup>2</sup> *See supra* note 1 for Judge Hicks's disposition of the other portions of Defendant's Motion to Dismiss or, in the Alternative, Motion to Compel and for Sanctions and Extension of Discovery (Doc. 55).