

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

DON ROBERT FAIRCLOTH, :
 :
 Plaintiff, :
 :
 v. :
 :
 WARDEN JOSEPH BADEN, and :
 MEDICAL DIRECTOR TIFFANY :
 WHATLEY :
 Defendants. :
 _____ :
 :

CASE NO.: 1:11-CV-86 (WLS)

ORDER

Before the Court is a Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed August 1, 2011. (Doc. 9). It is recommended that Petitioner’s Motion for a Preliminary Injunction (Doc. 5) and Motion for a Temporary Restraining Order (Doc. 6) be denied. (Doc. 9 at 3).

The Recommendation provided the Parties with fourteen (14) days from the date of its service to file written objections to the recommendations therein. (*Id.*) The period for objections expired on Monday, August 15, 2011. (*See generally* Docket). Petitioner’s Objection to the Recommendation, filed as a Motion to Refile Claim for Preliminary Injunction, was not filed until August 31, 2011, with no explanation provided for the delay. (Doc. 16). As such, it was not timely filed and will not be considered.¹

¹ Petitioner’s Objections, even if they were timely, are not persuasive. Petitioner still fails to allege sufficient facts to support his claim for injunctive relief under the standard set forth in the Magistrate Judge’s Recommendation. Instead, Petitioner makes numerous conclusory statements directed at his claim of retaliation relating to his motions for injunctive relief. As the Magistrate Judge noted, Plaintiff’s claim of retaliation is separate from the claim of deficient medical care raised in Plaintiff’s Section 1983 claim. Injunctive relief is not appropriate with respect to the new claim of retaliation.

Upon review and consideration, the objections set forth in Plaintiff's "Motion to Refile Claim for Preliminary Injunction" (Doc. 16) are **OVERRULED**, and United States Magistrate Judge Langstaff's August 1, 2011 Report and Recommendation (Doc. 9) is **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein together with the reasons stated and conclusions reached herein. Accordingly, Petitioner's Motion for a Preliminary Injunction (Doc. 5) and Motion for a Temporary Restraining Order (Doc. 6) are **DENIED**.

SO ORDERED, this 30th day of March, 2012.

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