



## **I. PLAINTIFF'S OBJECTION TO OCTOBER 21, 2011 ORDER**

Federal Rule of Civil Procedure 72(a) states that a “party may serve and file objections to” a Magistrate Judge’s non-dispositive order “within fourteen days after being served with a copy” and “[t]he district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly-erroneous or is contrary to law.” Fed. R. Civ. P. 72(a); *see also* 28 U.S.C. § 636(b)(1)(A) (reciting same “clearly erroneous or contrary to law” standard).

The period for objections expired on Friday, November 7, 2012. (*See generally* Docket). Plaintiff’s “Motion Not to Dismiss Injunctive Relief” was not filed until November 9, 2011, with no explanation provided for the delay. (Doc. 11). As such, it was not timely filed and will not be considered.<sup>1</sup> Therefore, Plaintiff’s Objections as found in “Motion Not to Dismiss Injunctive Relief” (Doc. 11) to Judge Langstaff’s October 21, 2011 Order (Doc. 6) are **OVERRULED**.

### **CONCLUSION**

Accordingly, United States Magistrate Judge Langstaff’s October 21, 2011 Recommendation (Doc. 6), 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. Plaintiff’s claims against Defendant Inmate C.J., Plaintiff’s claims of interference with Plaintiff’s legal mail, and any conspiracy claims are **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1). Plaintiff’s retaliation claims against Warden Baden, Deputy

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<sup>1</sup> Plaintiff’s objections, even if they were timely, are not persuasive. “Clear error” is a highly deferential standard of review. As the Supreme Court has explained, a finding is ‘clearly erroneous’ when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” Holton v. City of Thomasville Sch. Dist., 425 F.3d 1325, 1350 (11th Cir. 2005) (internal citations and quotation marks omitted). The standard for overturning a Magistrate Judge’s non-dispositive order is “a very difficult one to meet.” Thornton v. Mercantile Stores Co., Inc., 180 F.R.D. 437, 439 (M.D.Ala.1998) (internal quotation marks omitted). Plaintiff’s objections simply relate his alleged injuries, restate his requests for injunctive relief and a lawyer, and fail to show that Judge Langstaff’s Order (Doc. 6) was clearly erroneous or contrary to law. Accordingly, this Court finds that Petitioner’s “Motion Not to Dismiss Injunctive Relief” (Doc. 11) fails to rebut the legally sound Order of Judge Langstaff.

Warden Christopher Railey, Deputy Warden Christine Cross, and Unite Manager Frederick Gammage shall be allowed to go forward.

**SO ORDERED**, this 16<sup>th</sup> day of August, 2012.

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