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

MANASSEH ROYDREGO SKINNER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No.: 1:13-CV-44 (WLS)
	:	
DR. DEREBAIL,	:	
	:	
Defendant.	:	
	:	

ORDER

Presently pending before the Court is Plaintiff's Motion for Reconsideration (Doc. 17) and a Recommendation from United States Magistrate Judge Thomas Q. Langstaff filed August 21, 2013 (Doc. 27). Plaintiff has not filed an objection to the Recommendation. (*See generally* Docket.)

I. Motion for Reconsideration

As the Eleventh Circuit noted in *Region 8 Forest Serv. Timber Purchasers Council v. Alcock*, 993 F.2d 800, 805-06 (11th Cir. 1993), relief granted from motions for reconsideration are within "the sound discretion of the district judge." This Court's Local Rules address motions for reconsideration, providing in relevant part that:

> Motions for Reconsideration shall not be filed as a matter of routine practice. Whenever a party or attorney for a party believes it is absolutely necessary to file a motion to reconsider an order or judgment, the motion shall be filed with the Clerk of court within fourteen (14) days after entry of the order or judgment.

M.D. GA. LOCAL R. 7.6. Additionally, it is the longstanding practice of this Court to grant a motion for reconsideration only when the movant timely demonstrates that either: (1) there has been an intervening change in the law; (2) new and previously unavailable

evidence has been discovered through the exercise of due diligence; or (3) the Court made a clear error of law. *McCoy v. Macon Water Auth.*, 966 F. Supp. 1209, 1222-23 (M.D. Ga. 1997).

Plaintiff asks the Court to reconsider its Order adopting Judge Langstaff's April 17, 2013 Recommendation. (*See* Docs. 14 & 17.) In that recommendation, Judge Langstaff recommended that Defendants Sproul, Lewis, and Haggerty be dismissed because Plaintiff failed to allege facts sufficient to support the claims Plaintiff asserted against those Defendants. (Doc. 6 at 4-5.) Plaintiff's objection was overruled because it contained only conclusory statements and did not sufficiently rebut Judge Langstaff's Recommendation. (*See* Docs. 9 & 14.)

The Court notes that the Order Plaintiff urges the Court to reconsider was issued on May 31, 2013, and his Motion for Reconsideration was not filed until June 26, 2013. (*See* Docs. 14 & 17.) Because the instant Motion was not filed within fourteen days from the issuance of the Order, it does not comply with Local Rule 7.6. Also, Plaintiff has failed to demonstrate any changes in the law or facts, or that the Court made a clear error of law. (*See* Doc. 17.) Accordingly, Plaintiff's Motion for Reconsideration (Doc. 17) is **DENIED.**

II. Judge Langstaff's September 20, 2013 Recommendation

In the Recommendation currently under review (Doc. 27), Judge Langstaff recommends denying Plaintiff's Motion for Preliminary Injunction and a Temporary Restraining Order (Doc. 21). "[A] preliminary injunction is warranted if the movant demonstrates '(1) a substantial likelihood of success on the merits of the underlying case, (2) the movant will suffer irreparable harm in the absence of an injunction, (3) the harm suffered by the movant in the absence of an injunction would exceed the harm

suffered by the opposing party if the injunction is issued, and (4) an injunction would not disserve the public interest.' " *Odebrecht Constr., Inc. v. Sec'y, Fla. Dep't of Transp.*, 715 F.3d 1268, 1273-74 (11th Cir. 2013) (citing *Grizzle v. Kemp*, 634 F.3d 1314, 1320 (11th Cir. 2011)). Plaintiff has failed to demonstrate a substantial likelihood of success on the merits.

Accordingly, United States Magistrate Judge Thomas Q. Langstaff's August 21, 2013 Recommendation (Doc. 27) 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. Thus, Plaintiff's Motion for Preliminary Injunction and a Temporary Restraining Order (Doc. 21) is **DENIED.** As noted above, Plaintiff's Motion for Reconsideration (Doc. 17) is **DENIED.**

SO ORDERED, this 16th day of December, 2013.

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