

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

DONALD PAUL WILSON,	:	
	:	
Petitioner,	:	Civil Action No. 5:11-cv-176
	:	
v.	:	PROCEEDINGS UNDER
	:	28 U.S.C. § 2254
Sheriff GENE POPE,	:	
	:	
Respondent.	:	

***ORDER ON UNITED STATES MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATION***

Before the Court is the United States Magistrate Judge’s Recommendation [Doc. 12] that Petitioner’s Motion for Injunctive Relief, Motion for Judgment on the Pleadings, and Motion for Summary Judgment [Doc. 9] be denied. Petitioner filed an Objection [Doc. 15] to the Recommendation. In the Recommendation, the Magistrate Judge concluded that Plaintiff’s claims for an injunction to halt his state probation revocation hearing must be denied first, because the Motion is premature as Respondent has not yet filed an answer or other responsive pleading, and second, because this Court must abstain from interfering with Petitioner’s ongoing state criminal proceeding. See Younger v. Harris, 401 U.S. 37 (1971). The Magistrate Judge pointed out that while there are three exceptions to Younger, Petitioner alleged no facts indicating bad faith, irreparable injury, or inadequate state forum. In his Objection, Petitioner generally concludes that Butts County officials “acted in bad faith causing irreparable injury and the Petitioner has no state forum to complain.” Petitioner, however, provides no details other than this

conclusory statement, which is grossly inadequate for establishing a need for injunctive relief. Having considered Petitioner's objection and having investigated the matter *de novo*, this Court agrees with the findings and conclusions of the United States Magistrate Judge, and the Motion for Injunctive Relief, Motion for Judgment on the Pleadings, and Motion for Summary Judgment [Doc. 9] is hereby **denied**. Therefore, the Recommendation is **HEREBY ADOPTED AND MADE THE ORDER OF THE COURT**.

SO ORDERED, this 13th day of July, 2011.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

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