

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

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ROBERT L. CLARK,

*Plaintiff,*

v.

DR. COWENS, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
5:21-cv-00110-TES-CHW

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ORDER

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The Court adopted the Magistrate Judge's Report and Recommendation ("R&R") as to Clark's claims against Dr. Cowens and the Warden of Macon State Prison. *See* [Doc. 10]. However, the Court did not perform a *de novo* review of the "immediate injunction" portion of the R&R. *See* [Doc. 5, pp. 5–6]. The Magistrate Judge recommends that, to the extent Clark is requesting a preliminary injunction, it is due to be denied because Clark does not show a "substantial likelihood of success on the merits." [Doc. 5, p. 6]. Clark objects, arguing that an application of the factors in *McDonald's Corp. v. Robertson*, 147 F.3d 1301, 1306 (11th Cir. 1998) would warrant granting his request for preliminary injunction. [Doc. 9, pp. 3–4]. The Court will thus review this portion of the Magistrate Judge's R&R *de novo*. *See* 28 U.S.C. § 636(b)(1).

Clark requests that the Court issue an injunction that the “[D]efendants be held in contempt,” a sanction of “\$300,000.00 . . . be paid to the [P]laintiff,” and the Court issue “five subpoenas for evidence needed from the [D]efendants.” [Doc. 3, pp. 1–2].

A Court should only grant a preliminary injunction if the movant

shows the following: (1) substantial likelihood of success on the merits; (2) irreparable injury will be suffered unless the injunction issues; (3) the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) if issued, the injunction would not be adverse to the public interest.

*McDonald’s Corp. v. Robertson*, 147 F.3d 1301, 1306 (11th Cir. 1998) (citations omitted).

Because Clark does not show a “substantial likelihood of success on the merits,” *id.*, the “extraordinary and drastic” remedy of a preliminary injunction is due to be denied. *All Care Nursing Serv., Inc. v. Bethesda Mem. Hosp., Inc.*, 887 F.2d 1535, 1537 (11th Cir. 1989) (holding that a preliminary injunction is not to be granted if any one of the four elements is not satisfied). Therefore, the Court **ADOPTS** the Magistrate Judge’s recommendation that Clark’s Motion for Immediate Injunction [Doc. 3] be **DENIED**.<sup>1</sup>

**SO ORDERED**, this 3rd day of June, 2021.

S/Tilman E. Self, III  
**TILMAN E. SELF, III, JUDGE**  
**UNITED STATES DISTRICT COURT**

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<sup>1</sup> Clark also “opposes the order of referral and does not consent to a Magistrate Judge conducting any proceedings in a jury or non jury civil matter” and cites to 28 U.S.C. § 636(c)(1). *See* [Doc. 8]. The Court **DENIES** this motion [Doc. 8]. Pursuant to 28 U.S.C. § 636(b)(1), the Magistrate Judge may make recommendations to the Court for the disposition of motions for injunctive relief and motions to dismiss a case or for summary judgment, among others. 28 U.S.C. § 636(c) is not applicable here.