

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

RONALD WELLS, SR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 11-1029
)	
MARK SPENCER, MICHELLE CLARK,)	
AUGUSTIN TWAGLIMANA, and)	
PAULA RICH,)	
)	
Defendants.)	

ORDER

On September 11, 2012, a Report & Recommendation was filed by Magistrate Judge John A. Gorman in the above captioned case. More than fourteen (14) days have elapsed since the filing of the Report & Recommendation, and no objections have been made. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); *Lockert v. Faulkner*, 843 F.2d 1015 (7th Cir. 1988); and *Video Views, Inc. v. Studio 21, Ltd.*, 797 F.2d 538, 539 (7th Cir. 1986). As the parties failed to present timely objections, any such objections have been waived. *Id.*

The relevant procedural history is sufficiently set forth in the comprehensive Report & Recommendation of the Magistrate Judge. Suffice it to say that Plaintiff brought his Emergency Motion for a Restraining Order/Injunction stating that Pontiac Correctional Center officials refused to return him to Protective Custody after he erroneously served time in segregation, that his current placement in “protective custody kickout” interferes with his ability to litigate this and other proceedings, and that his placement in “protective custody kickout” exposes him to

potential violence by other inmates who recognize him as the person convicted of the murder of a well known gang member. The Magistrate Judge considered Plaintiff's allegations, the exhibits he attached in support of his motion for emergency injunctive relief, and the parties' arguments made during September 5, 2012 hearing, before concluding that it is clear that Plaintiff has improperly sought prospective injunctive relief for events that already transpired, that he is simply unhappy with the extent of his access to the law library while in "protective custody kickout," and that he otherwise has failed to meet his burden in order to be entitled to emergency injunctive relief. The Court concurs with the recommendation that Plaintiff's Emergency Motion for a Restraining Order/Injunction be denied for the reasons stated.

Accordingly, the Court now adopts the Report & Recommendation [d/e 42] of the Magistrate Judge in its entirety. Plaintiff's Emergency Motion for a Restraining Order/Injunction is DENIED [d/e 33].

ENTERED this 5th day of October, 2012.

s/ Michael M. Mihm

MICHAEL M. MIHM
UNITED STATES DISTRICT JUDGE