

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
at PIKEVILLE

CIVIL ACTION NO. 7:08-CV-88-KKC

JAMES HOLMAN BROWNING, JR.,

PLAINTIFF,

VS:

**OPINION AND ORDER**

BENJAMIN PENNINGTON, ET AL.,

DEFENDANTS.

\* \* \* \* \*

This matter is before the Court on the Motion for an Order Permitting the BOP Medical Services and Hospital to Grant and to Order MRI Test for Major Spine Surgery and to Show Liability Damages [DE 80] filed by the Plaintiff. The Magistrate Judge has issued a Recommended Disposition [DE 111] which was entered on January 24, 2011 in which he recommends that the Plaintiff’s motion be denied. The Plaintiff has filed a document in which he states that he “moves the court to preserve the use of evidence in determining plaintiffs’ objections to the 1/24/11 Mag. Judge’s order.” [DE 116]. This document does not appear to contain any objections to the Magistrate Judge’s January 24, 2011 Recommended Disposition. To the extent that the Plaintiff intended to assert any such objections in the document, the Court finds they are without merit. Accordingly, the Court hereby ORDERS as follows:

- 1) the Magistrate Judge’s Recommended Disposition [DE 111] is ADOPTED as and for the Opinion of the Court; and

2) for the reasons stated in the Recommended Disposition, the Plaintiff's Motion for an Order Permitting the BOP Medical Services and Hospital to Grant and to Order MRI Test for Major Spine Surgery and to Show Liability Damages [DE 80] is DENIED.

Dated this 8<sup>th</sup> day of March, 2011.



**Signed By:**

**Karen K. Caldwell** *KKC*

**United States District Judge**