

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

HYMEL VARNADO (#333068)

CIVIL ACTION

VERSUS

KENNETH NORRIS, ET AL.

NO.: 13-00348-BAJ-SCR

RULING AND ORDER

On February 3, 2014, the United States Magistrate Judge issued a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1), recommending that Plaintiff Hymel Varnado's **Order to Show Cause for A[n] Injunction (sic) (Doc. 3)** be denied. (Doc. 44.) Plaintiff seeks the issuance of a preliminary injunction against the Defendants, asserting that the Defendants have been deliberately indifferent to Plaintiff's medical condition, namely, a painful hernia that requires corrective surgery. (Doc. 3, at 1.)

The Magistrate Judge's Report and Recommendation specifically notified Plaintiff that, pursuant to 28 U.S.C. § 636(b)(1), he had fourteen (14) days from the date he received the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. (Doc. 44, at 1.) A review of the record indicates that Plaintiff has not filed an objection to the Magistrate Judge's Report and Recommendation.

Having carefully considered the Magistrate Judge's Report, the record, and the applicable law, the Court concludes that the Magistrate Judge's Report is correct, and hereby adopts its findings of fact, conclusions of law, and recommendation.

In addition, the Court notes that Plaintiff has failed to provide the necessary supporting evidence with his motion that would assist the Court in determining whether to issue an injunction against the Defendants. Plaintiff generally asserts that the Defendants should be required to show cause why they have not provided him with the corrective surgery ordered by his physician. (Doc. 3, at 1.) This assertion, without supporting evidence that the surgery is, in fact, immediately necessary and that the Defendants are purposely and deliberately denying Plaintiff access to a surgeon, does not convince the Court that an injunction should be issued.

The Magistrate Judge correctly stated that “[n]othing in the record . . . supports a finding that there is a substantial threat the [P]laintiff will suffer irreparable injury if an injunction is denied.” (Doc. 3, at 3.) This Court's analysis reaches the same conclusion. The elements necessary for the issuance of an injunction have not been met.

Accordingly,

IT IS ORDERED that the **Magistrate Judge's Report (Doc. 44)** is **ADOPTED** as the Court's opinion herein.

IT IS FURTHER ORDERED that Plaintiff Hymel Varnado's **Order to Show Cause for A[n] Injunction (sic) (Doc. 3)** is DENIED.

Baton Rouge, Louisiana, this 6th day of March, 2014.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**