

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MATTHEW CATANZARO, MICHAEL
GARRISON,

Plaintiffs,

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al,

Defendants.

Case Number 08-11173

Honorable Thomas L. Ludington

Magistrate Judge R. Steven Whalen

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION AND TEMPORARY
RESTRAINING ORDER**

This matter is before the Court on a report and recommendation issued by Magistrate Judge R. Steven Whalen on December 17, 2008. The magistrate judge recommended that the Court deny Plaintiff Michael Garrison's motion for a preliminary injunction and temporary restraining order [Dkt. # 14] because Plaintiff has not shown a strong likelihood of success on the merits, and Plaintiff's allegations that he or others will suffer irreparable harm if injunctive relief is not granted and that an injunction would serve the public interest are highly speculative. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt # 27] is **ADOPTED**.

It is further **ORDERED** that Plaintiff Michael Garrison's motion for a preliminary injunction and temporary restraining order [Dkt. # 14] is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 24, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 24, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS