

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT ALLEN FOX,

Plaintiff,

No. 08-CV-14727-DT

vs.

Hon. Gerald E. Rosen

PENNY RODGERS,
et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT & RECOMMENDATION DENYING PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on March 31, 2009

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This matter having come before the Court on the March 5, 2009 Report and Recommendation of United States Magistrate Judge Mona K. Majzoub recommending that the Court deny Plaintiff's February 18, 2009 Motions for Preliminary Injunction; and no Plaintiff having timely filed objections to the R&R;¹ and the Court being otherwise

¹ Plaintiff moved for an enlargement of time within which to file his objections on March 16, 2009 and filed his objections on March 24, 2009, only one day after the normal ten-day deadline expired (*see* Fed. R. Civ. P. 6(a) and (d) when the time limit for filing is less than 11 days, weekends and holidays are excluded; and when service is made by mail, three extra days are added). The Court, accordingly, will grant Plaintiff's March 16, 2009 *nunc pro tunc* and deem Plaintiff's objections as having been timely filed.

fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that Plaintiff's March 16, 2009 Motion for Enlargement of Time [**Dkt. # 34**] is GRANTED.

IT IS FURTHER ORDERED that the Magistrate Judge's Report and Recommendation of March 5, 2009 [**Dkt. # 21**] is hereby ADOPTED by the Court.

Accordingly,

IT IS FURTHER ORDERED that Plaintiff's Motion for Preliminary Injunction [**Dkt. # 11**] is DENIED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: March 31, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 31, 2009, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager