

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TEMUJIN KENSU,

Plaintiff,

Civil Case No. 16-13505

v.

Honorable Linda V. Parker

WILLIAM BORGERDING, M.D.,

et al.

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S OCTOBER
31, 2018 REPORT AND RECOMMENDATION [ECF NO. 146] AND
DENYING PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTIVE RELIEF [ECF NO. 101]**

This matter presently is before the Court on Plaintiff's "Emergency Motion for Temporary Restraining Order and Preliminary Injunctive Relief." (ECF No. 101.) The matter has been assigned to Magistrate Judge Stephanie Dawkins Davis for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 30.) Magistrate Judge Davis held a hearing with respect to Plaintiff's motion on May 2 and June 7, 2018, by which time the only issue remaining in Plaintiff's motion was the manner his prescription for Cialis was dispensed to him (i.e., it was dispensed at health care but Plaintiff wanted to keep

the medication on his person) and whether to provide a medical monitor to oversee his care. On October 31, 2018, Magistrate Judge Davis issued a Report and Recommendation (R&R) recommending that the Court deny Plaintiff's motion. (ECF No. 146.)

At the conclusion of the R&R, Magistrate Judge Davis advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at Pg ID 3693-94.) She further specifically advises the parties that “[f]ailure to timely file objections constitutes a waiver of any further right to appeal.” (*Id.* at Pg ID 3693.) The parties stipulated to extend the time to November 21, 2018 for Plaintiff to file objections to the R&R (*see* ECF No. 147). Nevertheless, neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Davis. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Plaintiff's emergency motion for temporary restraining order and preliminary injunction (ECF No. 101) is **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: December 12, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, December 12, 2018, by electronic and/or U.S. First Class mail.

s/ R. Loury _____
Case Manager