

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VIRGIL GREEN,

Plaintiff,

v

SHIRLEE HARRY, et al.,

Defendants.

Case No. 1:09-cv-130

HON. JANET T. NEFF

OPINION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed a motion for preliminary injunction, moving the Court to order Defendants to provide him with a Halal diet. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court deny Plaintiff's motion. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections, approves and adopts the Report and Recommendation as the opinion of this Court, and enters this Opinion and Order.

Plaintiff asserts that the Court abused its discretion and prejudiced him by deciding the motion before he served notice upon the defendants and also that he continues to suffer injury (Obj. at 2).

Although the Magistrate Judge found that Plaintiff's motion suffered from procedural infirmities (Rep. & Rec. at 1), the Magistrate Judge also found that the motion lacked sufficient merit (Rep. & Rec. at 2). Plaintiff's other objections are largely conclusory providing no specific legal argument for this Court's review. Plaintiff's objections do not demonstrate error in the Magistrate Judge's recommendation. Plaintiff's objections are denied.

For these reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Opinion would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997).

An order will be entered consistent with this Opinion.

Dated: July 30, 2009

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge

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HON. JANET T. NEFF

SHIRLEE HARRY, et al.,

Defendants.

ORDER

In accordance with the Opinion entered this date:

IT IS HEREBY ORDERED that the Objections (Dkt 16) are DENIED and the Report and Recommendation (Dkt 11) is APPROVED and ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Preliminary Injunction (Dkt 6) is DENIED.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C. § 1915(a) that an appeal of the Order would not be taken in good faith.

Date: July 30, 2009

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge