

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOEL MARCEL CARTER,

Plaintiff,

Case No. 1:13-cv-37

v

HON. JANET T. NEFF

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed a Motion for Temporary Restraining Order and Preliminary Injunction, requesting that the Court enter an Order mandating that Defendants: (1) provide Plaintiff with appropriate mental health treatment; (2) permit Plaintiff to exercise outside one hour daily; and (3) release Plaintiff from segregation (Dkt 79). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending that Plaintiff's motion be denied. 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 and issues this Memorandum Opinion and Order.

Noting that injunctive relief is an "extraordinary remedy," the Magistrate Judge determined that Plaintiff failed to demonstrate that the applicable factors warranted relief. Specifically, the Magistrate Judge found that Plaintiff failed to demonstrate that he is likely to prevail on his Eighth

Amendment denial of treatment claims (R&R, Dkt 120 at 2). The Magistrate Judge further found Plaintiff failed to demonstrate that he would suffer irreparable injury absent an injunction and that the public interest would not be served by judicial interference in the day-to-day operations of a correctional facility absent evidence supporting such (*id.* at 3).

In his objections, Plaintiff asserts that he has shown a likelihood of success on the merits, that he will continue to face irreparable harm if the Court does not grant the injunction, and that public interest would be served by granting the injunction (Objs., Dkt 120 at 1-2). Plaintiff's objections, which reiterate the arguments he set forth in his motion, merely indicate his disagreement with the Magistrate Judge's conclusions. His objections do not identify any factual or legal error that warrants a disposition other than the recommendation by the Magistrate Judge. Accordingly, the Court denies Plaintiff's objections.

THEREFORE, IT IS ORDERED that Plaintiff's Objections (Dkt 124) are DENIED, and the Report and Recommendation (Dkt 120) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (Dkt 79) is DENIED.

Dated: September 24, 2014

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