

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

ERIC ANDREW GARDNER,

Plaintiff,

Case No. 2:16-cv-2

v.

HON. ROBERT HOLMES BELL

MICHIGAN DEPARTMENT OF
CORRECTIONS et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER ADOPTING
REPORT AND RECOMMENDATION**

On February 29, 2016, Magistrate Judge Timothy P. Greeley issued a Report and Recommendation (“R&R”) recommending that the Court deny Plaintiff’s motion for a preliminary injunction. (ECF No. 16.) Before the Court are Plaintiff’s objections to the R&R. (ECF No. 20.)

This Court is required to make a *de novo* review of those portions of a R&R to which specific objections are made, and may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff complains that MDOC officials have refused his requests for a legal writer, mailing material, and carbon paper, as well as photocopies of materials necessary for a case pending in the Eastern District of Michigan and legal materials needed for research in the case. As relief, Plaintiff seeks an injunction preventing Defendant Weaver (who was

dismissed from the case) and Defendant Murphy from entering the prison facility. The R&R determined that Plaintiff had not demonstrated that a preliminary injunction was warranted.

In his objections, Plaintiff complains that Defendant Murphy continues to interfere with his First Amendment rights by denying access to copies. Plaintiff does not address the magistrate judge's determination that he failed to demonstrate irreparable harm. Indeed, he does not identify the substance of the documents that he needs to photocopy or why they are necessary for a pending or contemplated claim. He merely asserts that his rights have been violated. Moreover, the Court finds that the requested relief is not warranted because the scope of the relief requested by Plaintiff far exceeds the alleged harm. Plaintiff is asking the Court to enter an order denying Defendant Murphy, the prison librarian, all access to his place of employment. The potential harm to Defendant Murphy, and to the functioning of the prison, from such an order substantially outweighs the unsubstantiated risk of irreparable harm to Plaintiff in the absence of the injunction.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's objections (ECF No. 20) are **OVERRULED**.

IT IS FURTHER ORDERED that the R&R (ECF No. 16) is **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's motion for a preliminary injunction (ECF No. 6) is **DENIED**.

Dated: May 4, 2016

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE