

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dejuan Haywood Haggins,

Civil No. 10-1002 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

MN Commissioner of Corrections,
John King, Michelle Smith, Greg
Lindell, Jessica Symmes, Mary
McCombs, Peter Puffer, Terry
Jorgeson, Kent Grandlienard, and
Tom Sholes,

Defendants.

Dejuan Haywood Haggins, *Pro Se*, Plaintiff.

Jackson Evans, Assistant Attorney General, Minnesota Attorney General's Office,
counsel for Defendants.

This matter is before the Court upon Plaintiff Dejuan Haywood Haggins's objections (Doc. No. 60) to Magistrate Judge Leo I. Brisbois's July 5, 2011 Report and Recommendation (Doc. No. 58) insofar as it recommends that Plaintiff's Motion for Temporary Restraining Order and Motion for Preliminary Injunction be denied.

Defendants filed a response to Plaintiff's objections on August 2, 2011. (Doc. No. 84.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local

Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

The Court has carefully reviewed the record and concludes that Plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendation. Plaintiff argues that his disciplinary segregation amounts to an atypical hardship. He further objects to Magistrate Judge Brisbois's conclusions with respect to each of the four *Dataphase* factors. *Dataphase Systems v. CL Systems*, 640 F.2d 109 (8th Cir. 1981). As explained by the Magistrate Judge, Plaintiff has failed to demonstrate that he is likely to succeed on the merits of his claims, that he has suffered irreparable harm, or that the public interest or the balance of harms weigh in favor of granting his request for injunctive relief. *See id.* Consequently, Plaintiff's motions are properly denied.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Dejuan Haywood Haggins's objections (Doc. No. [60]) to Magistrate Judge Leo I. Brisbois's July 5, 2011 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Leo I. Brisbois's July 5, 2011 Report and Recommendation (Doc. No. [58]) is **ADOPTED**.

3. Plaintiff's Motion for Temporary Restraining Order and Motion for Preliminary Injunction (Doc. No. [55]) are **DENIED**.

Dated: September 27, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge