

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WARREN EASTERLING,	:	
Plaintiff,	:	
v.	:	Case No. 3:18-cv-00075
LAKEFRONT LINES, INC.,	:	JUDGE WALTER H. RICE
Defendant.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #21),
RECOMMENDING THAT PLAINTIFF'S SECOND MOTION FOR
PRELIMINARY INJUNCTION BE DENIED; PLAINTIFF'S OBJECTIONS
TO SAID JUDICIAL FILING (DOC.#22) OVERRULED

This matter is before the Court on Magistrate Judge Michael J. Newman's Report and Recommendations, Doc. #21, and Plaintiff's Objections to that judicial filing, Doc. #22. Defendant, Lakefront Lines, Inc. ("Lakefront"), has filed a response, Doc. #24. The Magistrate Judge has recommended that Plaintiff's second motion for a preliminary injunction, which is nearly identical to his first such, Doc. #4, be denied. The Magistrate Judge's earlier Report and Recommendations, Doc. #10, which dealt, in part, with Plaintiff's first motion for a preliminary injunction, was adopted in its entirety by this Court. Doc. #18.

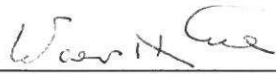
Plaintiff, *pro se*, has made three objections to the Magistrate Judge's filing. In essence, these objections argue that an injunction should issue because he is

likely to be successful on the merits, several constitutional issues are at stake and he will suffer irreparable harm. Doc. #22, PAGEID##161-163. Lakefront responds by stating that nothing has changed to warrant treating this second motion for a preliminary injunction differently from the first motion for injunctive relief. Lakefront also argues that the law of the case doctrine requires that this Court deny Plaintiff's motion.

A motion for a preliminary injunction requires consideration of four factors: (1) whether the movant has a likelihood of success on the merits; (2) whether the movant would suffer irreparable injury without the injunction; (3) whether issuance of the injunction would cause potential harm to others; and (4) whether the public interest would be served by issuance of the injunction. *American Civil Liberties Union of Kentucky v. McCreary County, Kentucky*, 354 F.3d 438, 445 (6th Cir.1998). Plaintiff has not satisfied any of these factors. In particular, and as was true with respect to the first motion for a preliminary injunction, Plaintiff cannot establish an irreparable injury in this suit for money damages.

Plaintiff's objections, Doc. #22, are overruled and the Report and Recommendations, Doc. #21, is ADOPTED in its entirety.

Date: March 19, 2019



WALTER H. RICE
UNITED STATES DISTRICT JUDGE