

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

GARY ALLEN HARRINGTON,

Plaintiff,

v.

LARRY PAUL MENTEER, et al.,

Defendants.

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Case No. 1:16-cv-00200-CL

ORDER

MCSHANE, Judge:

Before the court are two matters: (1) Magistrate Judge Mark D. Clarke's Report and Recommendation (ECF No. 68), and (2) Plaintiff's Motion for Temporary Restraining Order (ECF No. 77).

Because Plaintiff filed objections to the Report and Recommendation (ECF No. 76), I have reviewed the file of this case *de novo*. See 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981). I conclude the report

is correct and adopt its findings and recommendation. Defendants' Motion to Dismiss (ECF No. 59) is GRANTED with prejudice and without leave to amend.

Plaintiff also moved for a Temporary Restraining Order (ECF No. 77). Because I find the Plaintiff failed to establish by a clear showing that: (1) he is likely to succeed on the merits; (2) he is likely to suffer irreparable harm in the absence of preliminary relief; and (3) the balance of equities tips in his favor, and that an injunction is in the public interest, the motion for Temporary Restraining Order is DENIED.

IT IS SO ORDERED.

DATED this 7th day of June, 2017.

/s/ Michael J. McShane  
Michael J. McShane  
United States District Judge