UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL TYRONE McCULLON,

Plaintiff,

v.

LIEUTENANT M. SAYLOR, et al.,

Defendants.

CIVIL ACTION NO. 3:12-CV-445

(Judge Kosik)

MEMORANDUM AND ORDER

AND NOW, THIS 23rd DAY OF APRIL, 2012, IT APPEARING TO THE COURT THAT:

(1) Plaintiff, Michael Tyrone McCullon, a prisoner confined at the United States Penitentiary, Lewisburg, Pennsylvania, filed the instant civil rights action on March 12, 2012. Along with his complaint, plaintiff filed a motion for preliminary injunction (Doc. 2);

(2) The action was assigned to Magistrate Judge Martin C. Carlson for Report and Recommendation;

(3) On March 19, 2012, the Magistrate Judge issued a Report and Recommendation (Doc. 11) wherein he recommended that the plaintiff's motion for preliminary injunction (Doc. 2) be denied;

(4) Specifically, the Magistrate Judge found that plaintiff failed to demonstrate factors which would warrant injunctive relief;

(5) Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(6) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A.§636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985).

Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(7) We have considered the Magistrate Judge's Report and we concur with his recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Martin C. Carlson dated March 19, 2012 (Doc. 11) is **ADOPTED**;

(2) The plaintiff's motion for preliminary injunction (Doc. 2) is **DENIED**; and

(3) The above-captioned action is remanded to the Magistrate Judge for further proceedings.

Edwin M. Kosik
United States District Judge