

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS R. GALLOWAY, JR.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 20-611
)	Senior Judge Nora Barry Fischer
JOHN R. WALTON, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by pro se Plaintiff Thomas R. Galloway on April 27, 2020, and was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court. (Docket No. 1). Plaintiff submitted a Motion for Preliminary Injunction on October 13, 2020 and an Addendum on October 14, 2020. (Docket Nos. 20; 21). Defendants filed a Briefs in Opposition to the Motion for Preliminary Injunction and Addendum on December 22, 2020 and January 13, 2021, respectively. (Docket No. 43; 49). On February 8, 2021, the Magistrate Judge issued a Report recommending that the Motion for Preliminary Injunction be denied and established a deadline for objections within 14 days. (Docket No. 54). Thereafter, on February 11, 2021, Plaintiff filed Objections to the Report and Recommendation. (Docket No. 55). Defendants countered with a Response filed on February 25, 2021. (Docket No. 56).

After *de novo* review of the pleadings and documents in this case, Plaintiff's motion and the briefing thereon, together with the Report and Recommendation, the Objections and Response, the following order is entered:

AND NOW, this 26th day of February, 2021:

IT IS ORDERED that Plaintiff's Objections [55] to the Report and Recommendation dated February 8, 2021 are OVERRULED, as Plaintiff has failed to meet his burden to demonstrate that he is entitled to the extraordinary remedy of a preliminary injunction in this case, as he has neither shown a likelihood of success on the merits nor irreparable harm, *see e.g.*, *Williams v. Ferdarko*, 807 F. App'x 177, 181 (3d Cir. 2020) (citing *Ferring Pharms., Inc. v. Watson Pharms., Inc.*, 765 F. App'x 205, 210 (3d Cir. 2014)) (affirming denial of preliminary injunction due to plaintiff's failure to establish likelihood of success and irreparable harm);

IT IS FURTHER ORDERED that the Report and Recommendation [54] dated February 8, 2021 is ADOPTED as the Opinion of the Court;

IT IS FURTHER ORDERED that Plaintiff's Motion for Preliminary Injunction [20] is DENIED; and,

FINALLY, IT IS ORDERED that this matter is referred back to U.S. Magistrate Judge Maureen P. Kelly for further pretrial proceedings.

BY THE COURT:

s/Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc: THOMAS R. GALLOWAY, JR.
3442020
Westmoreland County Prison
3000 South Grande Blvd.
Greensburg, PA 15601
(via first class mail)