

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

NORMAN LAURENCE, JR.

v.

C.A. NO. 08-109 ML

A.T. WALL, ET AL.

REPORT & RECOMMENDATION

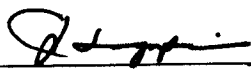
Presently before the Court are two motions filed by plaintiff Norman Laurence: (i) a "Motion for a Restraining Order" (Docket # 140) and (ii) a "Motion for a Protective Order" (Docket # 147). Both motions appear to seek a Preliminary Injunction prohibiting defendants from watching plaintiff with cameras hidden in the light fixtures in his cell. Defendants have objected to plaintiff's motions (Dockets ## 144, 146 & 149). These matters have been referred to me pursuant to 28 U.S.C. § 636(b)(1)(B) for a report and recommendation. For the reasons set forth below, I recommend that plaintiff's motions be denied.

Plaintiff, as the moving party, has the burden of persuasion to demonstrate: (1) a substantial likelihood of success on the merits; (2) a significant risk of irreparable harm if the injunction is denied; (3) the harm he will suffer outweighs any harm to defendants if the injunction is granted; and (4) the public interest will not be adversely affected if the injunction is granted. *McGuire v. Reilly*, 260 F.3d 36, 42 (1st Cir. 2001). Of the four factors, the likelihood of success on the merits is of primary importance. See *Wine and Spirits Retailers, Inc. v. Rhode Island*, 418 F.3d 36, 46 (1st Cir. 2005).

Here, in support of his motions, plaintiff provides only conclusory allegations and bald assertions claiming that defendants are subjecting him to electronic surveillance through cameras concealed in the light fixtures in his cell, interfering with witnesses in this action, and harassing him. Thus plaintiff fails to demonstrate a substantial likelihood of success on the merits. Accordingly, I recommend that his motions be DENIED.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of Court within ten days of its receipt. Fed R. Civ. P. 72(b); LR Cv 72(d). Failure to file timely, specific objections to this report constitutes waiver of both the right to review by the district court and the right to appeal the district court's decision. *United States v. Valencia-Copete*, 792 F.2d 4, 6 (1st Cir. 1986)(*per curiam*); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603, 605 (1st Cir. 1980).

IT IS SO ORDERED.



Jacob Hagopian
Senior United States Magistrate Judge
October 20, 2009