

Recommendation and opines that the plaintiff's motion for a preliminary injunction should be denied. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation and he has filed timely objections thereto. The court will address the objections herein.

As the Magistrate Judge notes in her Report, to obtain a temporary restraining order (TRO) or preliminary injunction, plaintiff must show that (1) he is likely to succeed on the merits; (2) he is likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in his favor; and (4) an injunction is in the public interest. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The Magistrate Judge recommends denial of the plaintiff's motion because the plaintiff has not shown, nor has he addressed, the *Winter* factors.

In his objections to the Report, plaintiff indicates that he has received an MRI as was requested in his motion, therefore, the MRI is not an issue any longer in this litigation. The plaintiff otherwise objects to the Report stating that he has "never so much as heard of the *Winter* case" and is not trained in the law. He then simply recites the factors in *Winter*, stating, "The plaintiff claims that without the court's help he is likely to suffer irreparable harm; that the plaintiff is likely to succeed at trial; that the plaintiff has suffered and will suffer more if the injunction is denied than the defendants will suffer if it is granted; and a preliminary injunction will serve the public interest." Plaintiff then repeats his original claim that he continues to be retaliated against by defendant Cpl. Marvin Bryant, he has repeatedly

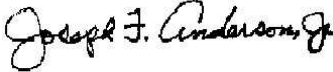
been denied treatment for his eyes, and is being denied therapy recommended by the orthopedic specialist. Merely stating the *Winter* factors in the affirmative does not avail the plaintiff with his burden to obtain relief. Therefore, the objections are overruled.

After carefully reviewing the applicable laws, the record in this case, the Report and Recommendation, and the objections thereto, this court adopts and incorporates the Report herein by reference. Accordingly, plaintiff's motion for a temporary restraining order (ECF No. 3) is denied.

The Clerk is directed to refer this action back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

March 25, 2014
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge