

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Dennis Temple,)	C/A No. 8:13-3426-JFA-JDA
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Chaplain Unknown Morrison; Warden)	
Joseph McFadden; Associate Warden Fred)	
Thompson; Associate Warden James)	
Blackwell; Chaplain Cuttino; Muslim)	
Chaplain Tamir Abdul Mutakabbir, in the)	
individual and official capacity,)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Dennis Temple, is an inmate with the South Carolina Department of Corrections. He brings this civil action *in forma pauperis* and pursuant to 42 U.S.C. § 1983 alleging denial of his religious services.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the plaintiff’s motion for a temporary restraining order/preliminary injunction should be denied without prejudice because the case has not been brought in proper form. The Report sets forth in detail the relevant facts and standards

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

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 timely done so. The plaintiff objects to the Report of the Magistrate Judge, essentially repeating all the arguments made in his initial motion for a preliminary injunction.

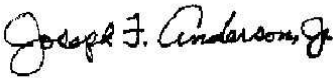
As the Magistrate Judge notes in her Report, under Fed. R. Civ. P. 65(a), a district court may issue a preliminary injunction only on notice to the adverse party. Because this case is still not in proper form and all parties have not been served, this court is without authority to consider the motion.

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/preliminary injunction (ECF No. 3) is denied without prejudice. Plaintiff may refile the motion after the case is brought into proper form and all parties are properly served.

IT IS SO ORDERED.

March 18, 2014
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge