

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

TARRANCE DARON WHITLOCK §
v. § CIVIL ACTION NO. 5:14cv94
WILLIAM STEPHENS, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ORDER DENYING PLAINTIFF’S MOTION FOR INJUNCTIVE RELIEF

The Plaintiff Tarrance Whitlock, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Whitlock filed a motion for injunctive relief asking that the defendants or their agents be prohibited from retaliating against him and that he be allowed to use the restroom during two-hour law library sessions. The magistrate judge issued a report recommending that the motion be denied.

Whitlock has filed objections to the report which largely re-state the allegations of his motion. He contends the denial of restroom privileges during a law library session is an Eighth Amendment violation, despite the fact that this Court has previously rejected the same allegation. Kohlberg v. Pille, civil action no. 1:12cv280, 2012 WL 6967234 (E.D.Tex., December 14, 2012), *Report adopted at* 2013 WL 395095 (E.D.Tex., January 31, 2013). He speculates that without injunctive relief, he will continue to receive false disciplinary cases, which he characterizes as “irreparable harm.” The threat of abstract injury is not enough; the Fifth Circuit has held that injunctive relief is inappropriate when sought to prevent injury that is speculative at best. Kirby v.

Johnson, 243 F.App'x 877, 2007 WL 2228616 (5th Cir., August 3, 2007), *citing* Carter v. Orleans Parish Public Schools, 725 F.2d 261, 263 (5th Cir. 1984). Nor has Whitlock shown that the granting of injunctive relief, representing a significant level of federal court interference with the operations of a state agency, would not dis-serve the public interest. His objections are without merit.

The Court has conducted a careful *de novo* review of those portions of the magistrate judge's proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. §636(b)(1) (district judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge is correct and the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge (docket no. 13) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for a preliminary injunction (docket no. 5) is hereby DENIED.

So ORDERED and SIGNED this 26th day of February, 2015.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE