

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

SCOTT T. BEHLING, #664060,

Plaintiff,

v.

UNKNOWN STEVENS, et al.,

Defendants.

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Case No. 6:20-cv-546-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Scott T. Behling, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition. Before the Court is Plaintiff’s motion for protective order. Docket No. 30.

On April 7, 2021, Judge Love issued a Report recommending that Plaintiff’s motion for protective order—construed as a motion for a preliminary injunction and temporary restraining order—be denied. Docket No. 31. Judge Love found that Plaintiff failed to show entitlement to an injunction or restraining order under Federal Rule of Civil Procedure 65. A copy of this Report was sent to Plaintiff, and Plaintiff received it on April 20, 2021. Docket No. 34.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court

examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 31) as the findings of this Court and **DENIES** Plaintiff's motion for a protective order (Docket No. 30).

So **ORDERED** and **SIGNED** this 4th day of **June, 2021**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE