

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

TEDDY NORRIS DAVIS, *et al*, §
 §
 Plaintiffs, §
VS. § CIVIL ACTION NO. C-12-166
 §
RICK THALER, *et al*, §
 §
 Defendants. §

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DENY PLAINTIFF DAVIS’ MOTION FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Pending before the Court is Plaintiff Davis’ “Motion Requesting Temporary Restraining Order/Preliminary Injunction Relief” (D.E. 29). On September 17, 2012, United States Magistrate Judge B. Janice Ellington issued a Memorandum and Recommendation (D.E. 41), recommending that Plaintiff’s Motion be denied. Plaintiffs Davis and Goodman filed their Objections (D.E. 48) on October 3, 2012.

Plaintiffs, in their Objections, repeat their argument that they are being denied law library time to confer together in violation of ATC-050, which outlines the prison policy for law library usage for joint sessions. They aver generally that the Memorandum and Recommendation reaches the wrong conclusion.

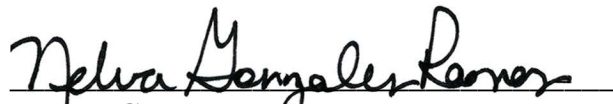
Plaintiffs have not identified any defect in the Magistrate Judge’s outline of the law applicable to motions for injunctive relief. Neither have they demonstrated that they have satisfied their burden of proof on any of the four elements governing the issuance of injunctive relief. In fact, they have not even demonstrated (1) that they have complied

with the ATC-050 policy regarding the manner in which such joint sessions must be requested or (2) that specific requests that have been submitted have actually been denied.

While they outline the sessions that have been granted and have identified which ones have included joint conferences, they have not shown how those sessions have been inadequate or that they are being denied the ability to prepare for a certain deadline. Injunctive relief is an extraordinary remedy and Plaintiffs have not demonstrated that they are entitled to such relief. Plaintiffs' Objections are **OVERRULED**.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Plaintiffs' Objections, and all other relevant documents in the record, and having made a *de novo* disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Plaintiffs' Objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the "Motion Requesting Temporary Restraining Order/Preliminary Injunction Relief" (D.E. 29). is **DENIED**.

ORDERED this 16th day of October, 2012.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE