

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BRIAN L. BROWN,

Plaintiff,

vs.

CASE No. 06-3003 JTM

MICHAEL GRAY, *et al.*,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court following the Report and Recommendations (“Report”) by the United States Magistrate Judge. The Magistrate Judge issued an order on August 4, 2009, clearly stating that the plaintiff had ten days after service to file written objections to the findings of fact, conclusions of law, or recommendations of the magistrate judge . (Dkt. No. 133). Over thirty days have passed and no written objections have been filed in accordance with 28 U.S.C. § 636(b)(1).

The Report comes before the court on *pro se* plaintiff Brian L. Brown’s motion for a temporary restraining order seeking to enjoin Defendant Simon Jones from causing denial of access to this Court and other constitutional violations. (Dkt. No. 129). The defendants filed a response requesting the Court deny plaintiff’s request. (Dkt. No. 130). The Court reviewed the Report, and based upon this review, and the absence of any filed objections, the Court accepts the recommendation that the plaintiff’s Motion for a Temporary Restraining Order be denied based on his failure to exhaust all administrative remedies concerning his complaints.

IT IS THEREFORE ORDERED this 17th day of September, 2009, that plaintiff's Motion for a Temporary Restraining Order be denied.

s/J. Thomas Marten
J. THOMAS MARTEN, JUDGE