

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ERIC HOSEY-BEY, #193503,)
vs. Plaintiff,)) CASE NO. 2:12-cv-959-WHA
SGT. ALTHEA WILLIAMS,)
Defendant.)

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #44), entered on July 30, 2015, together with the Objection of the Plaintiff (Doc. #45), filed on August 13, 2015. Following an independent evaluation and *de novo* review of the file in this case, the court finds the objection to be without merit.

The Plaintiff contends that on October 14, 2012, the Defendant deprived him of his First Amendment right to practice his religion because she “ordered that the Sunday school service of the Moorish Science Temple of America (MSTA) be closed down after only 10 to 13 minutes of class [because] she was short of officers[.]” and discriminated against him in violation of his right to equal protection because later in the same evening she allowed the Christians to hold their service.

The court agrees with the Magistrate Judge’s finding that the record is devoid of evidence that the Defendant acted in an intentionally discriminatory manner, but that the record establishes that the Defendant closed the chapel solely because she lacked sufficient staff to provide security for the chapel at the time the MSTA services was being conducted, a situation which had been

resolved by the time the Christian service began, i.e., an officer became available to provide security for the chapel. The objection does nothing to undermine the finding that, therefore, the Plaintiff has not created a genuine dispute of fact as to whether religion or some other constitutionally impermissible fact constituted a motivating factor in the Defendant's decision to close the chapel during the MSTA service and reopen it for the Christian service.

Therefore, for the reasons stated, the Plaintiff's objection is OVERRULED, the court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby ORDERED as follows:

1. Defendant's Motion for Summary Judgment is GRANTED.
2. Judgment is GRANTED in favor of the Defendant, and this case is DISMISSED with prejudice.
3. Costs are taxed against the Plaintiff.

DONE this 19th day of August, 2015.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE