

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

BILLY J. MITCHELL, #207548,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 2:12-cv-1008-WHA
)	
LEEPOSEY DANIELS, et al.,)	(WO)
)	
Defendants.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #28), entered on July 14, 2015, and the Plaintiff’s Objection thereto (Doc. #29), filed on July 29, 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 merely repeats his arguments that additional security measures should be undertaken in an effort to prevent any desecration of the Native American ceremonial grounds and punish anyone caught desecrating the grounds. However, the mere fact that the security measures adopted by the Defendants do not prevent all actions by inmates who desecrate the grounds in violation of institutional rules does not amount to a violation of the Plaintiff’s rights under the First Amendment. The court agrees with the Magistrate Judge’s finding that the record is devoid of evidence that the Defendants acted in an intentionally discriminatory manner and that the policies or procedures governing use of the Native American ceremonial grounds has significantly interfered or substantially burdened the Plaintiff’s ability to engage in the free exercise of his religion in violation of his First Amendment rights. Therefore, it is hereby ORDERED as follows:

1. The Plaintiff's objection is OVERRULED.
2. The court ADOPTS the Recommendation of the Magistrate Judge.
3. The Defendants' Motion for Summary Judgment is GRANTED.
4. Judgment is GRANTED in favor of the Defendants, and this case is DISMISSED with prejudice.
5. Costs are taxed against the Plaintiff.

DONE this 18th day of August, 2015.

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