

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**RUSSELL BERGER
ADC #115855**

PLAINTIFF

VS.

5:17-CV-00258-BRW-JTR

**WENDY KELLEY,
Director, ADC**

DEFENDANT

ORDER

I have reviewed the Recommendation (Doc. No. 33) submitted by United States Magistrate Judge J. Thomas Ray and Plaintiff's Motion to Attach Documents (Doc. No. 35). After carefully considering these documents and making a *de novo* review of the record in this case, I approve and adopt the Recommendation.

Accordingly, Plaintiff's Motion to Attach Documents (Doc. No. 35) is GRANTED. Defendant's Motion to Dismiss (Doc. No. 14) is GRANTED as to Plaintiff's RLUIPA claim for monetary damages, but DENIED in all other respects. Plaintiff's response (Doc. No. 19) to Defendant's Motion to Dismiss is construed as a motion to amend, and is GRANTED.

The Clerk of the Court is directed to file a copy of (Doc. No. 19) as Plaintiff's First Amended Complaint.

IT IS SO ORDERED this 7th day of September, 2018.

/s/ Billy Roy Wilson _____
UNITED STATES DISTRICT JUDGE