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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRE JAMAL ROBINSON,
Plaintiff,
v.
MATTHEW CATE, et al.,
Defendants.

No. 2:11-cv-02555 MCE AC P

ORDER

Presently pending before the court is defendant’s motion for summary judgment. The parties have fully briefed plaintiff’s claims under the federal constitution. Upon closer examination of the operative complaint, see ECF No. 36 at 3, and plaintiff’s opposition to the motion for summary judgment, see ECF No. 79 at 1, 5-6, the court is persuaded that plaintiff is also asserting a claim under the Religious Land Use and Institutionalized Persons Act (RLUIPA). See Alvarez v. Hill, 518 F.3d 1152, 1158 (9th Cir. 2008) (holding that plaintiff’s RLUIPA claim was properly before the district court on summary judgment because specifically raised in plaintiff’s post-complaint filings although the complaint cited only the First Amendment). For this reason, the parties will be directed to file and serve supplemental briefing that addresses only plaintiff’s RLUIPA claim.

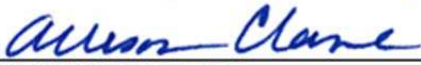
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Accordingly, IT IS HEREBY ORDERED that:

1. Defendant shall, within fourteen days after the filing date of this order, file and serve a supplemental brief to defendant’s motion for summary judgment limited to the merits of plaintiff’s RLUIPA claim.
2. Plaintiff shall, within fourteen days after service of defendant’s supplemental brief, file and serve an opposition thereto, limited to the merits of plaintiff’s RLUIPA claim.
3. Defendant may, within three (3) days after service of plaintiff’s opposition, file and serve a reply brief.
4. No extensions of time in this briefing schedule will be granted absent a compelling showing of good cause.

DATED: July 21, 2015



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE