IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

KENNETH GREGORY BEBOUT,

      Plaintiff,

v.   CASE NO. 1:10-cv-00144-MP -GRJ

JOHNS, WEEKLY, ROBERT WOODY,

      Defendants.

_____/

O R D E R

      This matter is before the Court on Doc. 15, the Report and Recommendation of the

Magistrate Judge, recommending denial of Plaintiff's motion for preliminary injunction. After

the Report and Recommendation was resent to Plaintiff's new address, Doc. 18, he was given

additional time for filing objections. The time has passed, and none have been filed.

      The Court agrees with the Magistrate Judge that the motion for preliminary injunction -

seeking to force the prison to give him kosher meals - should be denied. In his amended

complaint (Doc. 8), Plaintiff concedes that he was offered a vegan tray by the jail. The Florida

Department of Corrections currently offers vegan meal patterns to accommodate the religious

diet preferences of state inmates, and this policy has been held constitutional under the First

Amendment. Young v. McNeil, No. 4:08-cv-44-SPM-WCS, 2009 WL 2058923 (N.D. Fla. July

13, 2009) (budgetary concerns and logistical constraints supported elimination of Jewish Dietary

Accommodation Program within DOC). This policy has also been upheld under the Religious

Land Use and Institutionalized Persons Act (RLUIPA). Linehan v. Crosby, 346 Fed. Appx. 471

(11th Cir. 2009) (Florida DOC had compelling government interest (costs) in denying kosher

meals). Accordingly, Plaintiff cannot demonstrate a *substantial* likelihood of success on the

merits of this claim.   It is hereby

ORDERED AND ADJUDGED:

1.   The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.

2.   The motion for preliminary injunction, including the request for appointment of counsel, is denied.

3.   This matter is referred back to the Magistrate Judge for further proceedings.

DONE AND ORDERED this *3rd*   day of January, 2011

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge