

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

TED DURBIN (#132464)

CIVIL ACTION

VERSUS

NO. 10-655-JJB-CN

BURL CAIN, WARDEN, ET AL.

RULING

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Christine Noland dated February 16, 2012 (doc. no. 49) to which no objection has been filed.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, the plaintiff's Motions for Summary Judgment (doc. nos. 41 and 48) are DENIED, and the Motion for Summary Judgment of defendants, Burl Cain and Darrell Vannoy (doc. no. 46) is GRANTED IN PART, such that the plaintiff's claim that defendant Darrel Vannoy has refused to allow the plaintiff to celebrate Jewish religious holiday is DISMISSED, and this matter is referred back for further proceedings in connection with the plaintiff's claim asserted against defendant Burl Cain that the defendant has violated the plaintiff's First Amendment right to freely practice his religion, his Fourteenth Amendment right to equal protection, and his statutory rights under RLUIPA by transferring him to an LSP outcamp where he is limited in his ability to practice his faith and congregate with members of his faith.

Baton Rouge, Louisiana, this 5th day of March.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA