

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

CALVIN VINSON, JR.,

Plaintiff,

v.

Case No. 2:09-cv-46  
HON. R. ALLAN EDGAR

GERALD RILEY, et al.,

Defendants.

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**MEMORANDUM AND ORDER**

Defendants Gerald Riley and Denise Gerth move for partial summary judgment pursuant to Fed. R. Civ. P. 56. [Court Doc. No. 79]. Defendants Riley and Gerth seek dismissal of the plaintiff's claims for: (1) damages under the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc *et seq.*; and (2) injunctive relief under 42 U.S.C. § 1983 based on alleged violations of the plaintiff's rights protected by the First and Fourteenth Amendments to the United States Constitution, i.e. First Amendment right of freedom to exercise religious beliefs and Fourteenth Amendment right to equal protection of the law.

Plaintiff Calvin Vinson, Jr. moves for summary judgment pursuant to Fed. R. Civ. P. 56. [Court Doc. No. 68]. Plaintiff Vinson contends that he is entitled to summary judgment on his claims against defendants Riley and Gerth under RLUIPA and 42 U.S.C. § 1983.

On June 28, 2012, Magistrate Judge Timothy P. Greeley submitted his report and recommendation. [Court Doc. No. 96]. It is recommended that the defendants' motion for partial summary judgment be granted, and the plaintiff's motion for summary judgment be denied.

The parties have not timely filed any objections to the Magistrate Judge's report and

