

is that the persons listed by plaintiff as defendants are not the individuals who confiscated or destroyed his religious property. Therefore, although plaintiff's exceptions attempt to support RLUIPA and retaliation claims, they fail to address the basic element required, the actual involvement of the named defendants in the alleged violations of plaintiff's rights under RLUIPA or the Constitution.

The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation [86] of August 20, 2009, is adopted. It is further

ORDERED that defendants' motion for summary judgment [70] is granted and plaintiff's claims are dismissed.

/s/ Scott O. Wright
SCOTT O. WRIGHT
Senior United States District Judge

DATED: September 14, 2009