

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

THOMAS KEMPVANEE,)	3:10-CV-00535-ECR-vVPC
)	
Plaintiff,)	MINUTES OF THE COURT
)	
vs.)	DATE: March 14, 2012
)	
HOWARD SKOLNIK, et al.,)	
)	
Defendant(s).)	
)	

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Judicial Assistant: Candace Knab Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

On February 13, 2012, the Magistrate Judge filed a Report and Recommendation (#52) recommending that Defendants' motion for summary judgment (#36) be granted. Plaintiff filed objections (#54) to the Report and Recommendation (#52) on February 22, 2012. Defendants responded (#56) on March 1, 2012.

Plaintiff's objections are not well taken and are overruled. The Court finds that Defendants did not place a substantial burden on Plaintiff's religious exercise in violation of the Religious Land Use and Institutionalized Persons Act ("RLUIPA") with regard to Plaintiff's cardboard altar because Plaintiff was allowed to set up an altar in his cell under certain restrictions and maintain many other religious artifacts in his cell. Furthermore, the government has demonstrated a compelling state interest for restricting sauna/sweat lodge privileges to Native American inmates based on safety, security, and the prohibitive cost of offering the privilege to a larger population of inmates. Finally, the state's restrictions as to Plaintiff's cardboard altar and sauna privileges are reasonably related to legitimate penological interests as a matter of law.

IT IS, THEREFORE, HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (#52) is well taken and is APPROVED and ADOPTED.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment (#36) is GRANTED.

The Clerk shall enter judgment accordingly.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk