

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANGELO BONILLA and ANTHONY YOUNG,

Plaintiffs,

-v-

9:11-CV-159  
(DNH/RFT)

ANTHONY J. ANNUCCI, Executive Deputy  
Commissioner; JOHN NUTTALL, Deputy  
Commissioner for Program; LUCIEN LeCLAIRE,  
JR., Facility Operations; MARK LEONARD,  
Director of Ministerial Service; JAMES A.  
NICHOLS, Mid-Orange Correctional Facility;  
K.F. KELLER, Former Acting Superintendent  
of Mid-Orange; and BRIAN FISCHER,  
Department of Correctional Services,

Defendants.

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APPEARANCES:

OF COUNSEL:

ANGELO BONILLA  
Plaintiff, Pro Se  
08-R-2599  
Otisville Correctional Facility  
Box 8  
Otisville, NY 10963

ANTHONY YOUNG  
Plaintiff, Pro Se  
10-R-797  
Riverview Correctional Facility  
P.O. Box 247  
Ogdensburg, NY 13669

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the State of New York

ADELE M. TAYLOR-SCOTT, ESQ.  
Ass't Attorney General

Attorney for Defendants<sup>1</sup>  
The Capitol  
Albany, NY 12224

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiffs brought this action pursuant to 42 U.S.C. § 1983. On August 16, 2012, the Honorable Randolph F. Treece, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion for summary judgment be granted in part and denied in part as follows: granted as to defendant James A. Nichols and that he be dismissed from the action; granted as to the First Amendment and Religious Land Use and Institutionalized Persons Act ("RLUIPA") claims based upon the restrictions on displaying Nations of Gods and Earth ("NGE")<sup>2</sup> symbols, Universal Flag, and texts; denied as to the First Amendment and RLUIPA claims based upon the restrictions on NGE congregative opportunities and on wearing crowns; denied as to all equal protection claims; and that defendant K.F. Keller be dismissed from the action as the claims against him are now moot. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1).

Therefore it is

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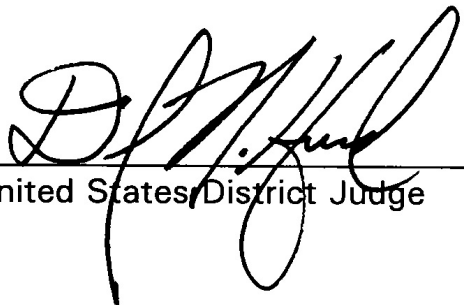
<sup>1</sup> To date, defendant K.F. Keller has not been properly served with process, thus no appearance has been made by defendants' counsel on his behalf. See, e.g., Dkt. No. 56 at p. 1, n. 1.

<sup>2</sup> Plaintiffs are members of the NGE. The Report-Recommendation provides an overview and history of the NGE.

ORDERED that

1. Defendants' motion for summary judgment is GRANTED in part and DENIED in part;
2. All claims against defendants James A. Nichols and K.F. Keller are DISMISSED;
3. The First Amendment and RLUIPA claims based upon the restrictions on displaying NGE symbols, Universal Flag, and texts are DISMISSED;
4. Defendants' motion for summary judgment is DENIED as follows:
  - (a) The First Amendment and RLUIPA claims based upon the restrictions on NGE congregative opportunities and on wearing crowns; and
  - (b) The equal protection claims.

IT IS SO ORDERED.



United States District Judge

Dated: September 25, 2012  
Utica, New York.