

+IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

FRED SMITH,)	
)	
Plaintiff,)	
vs.)	NO. CIV-16-654-HE
)	
OKLAHOMA DEPARTMENT)	
OF CORRECTIONS)	
)	
Defendant.)	

ORDER

Plaintiff, a state prisoner appearing *pro se*, filed this action under the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), challenging an Oklahoma Department of Corrections’ policy governing inmates’ access to religious meals and items. Pursuant to 28 U.S.C. §636, the matter was referred for initial proceedings to Magistrate Judge Charles B. Goodwin for initial proceedings. He has recommended that a petition for emergency injunction and a motion for preliminary injunction or temporary restraining order be construed as motions for preliminary injunctions and be denied.

Plaintiff failed to object to the Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C).

Accordingly, the court **ADOPTS** Magistrate Judge Goodwin’s Report and Recommendation and **DENIES** plaintiff’s petition for emergency injunction [Doc. #11] and motion for preliminary injunction or temporary restraining order [Doc. #12], which have been construed as motions for preliminary injunctions.

As the magistrate judge noted, the Report and Recommendation did not terminate the referral.

IT IS SO ORDERED.

Dated this 6th day of March, 2017.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE