

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

DAMEA SHANDALE TENISON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. CIV-17-1265-C
	)	
RAYMOND BYRD, et al.,	)	
	)	
Defendants.	)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Shon T. Erwin, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Erwin entered a Report and Recommendation on December 28, 2018, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in Judge Ewin’s Report and Recommendation and there is no purpose to be served in repeating them yet again. In his objection, Plaintiff merely restates the conclusions and legal arguments originally asserted, and raises no issue not fully and accurately addressed and rejected by the Magistrate Judge.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, orders as follows:

- (1) Plaintiff’s First Amendment religious diet and right to pray claims and Equal Protection right to pray claims asserted against Defendants Byrd, McGhee, Fox, and White in their official capacities seeking monetary damages are dismissed without prejudice;
- (2) Plaintiff’s First Amendment and Equal Protection right to pray claims asserted against Defendants Byrd, McGhee, Fox, and White in their individual capacities seeking injunctive relief are dismissed with prejudice;

(3) Plaintiff's RLUIPA claims asserted against Defendants Byrd, McGhee, Fox, and White in their individual and official capacities seeking monetary relief and in their individual capacities seeking injunctive relief are dismissed with prejudice;

(4) summary judgment is granted to Defendants Byrd, McGhee, Fox, and White in their individual capacities for monetary damages on Plaintiff's First Amendment religious diet claim;

(5) summary judgment is granted to Defendants Byrd, McGhee, Fox, and White in their individual capacities for monetary damages and their official capacities for injunctive relief on Plaintiff's First Amendment right to pray claim;

(6) summary judgment is granted to Defendants Byrd, McGhee, White, and Fox in their individual capacities for monetary damages and their official capacities for injunctive relief on Plaintiff's Equal Protection right to pray claim;

(7) summary judgment is granted to Defendants Byrd, McGhee, White and Fox in their official capacities for injunctive relief on Plaintiff's RLUIPA right to pray claim; and

(8) summary judgment is granted to Defendants Byrd and Paine in their individual and official capacities for monetary damages and injunctive relief on Plaintiff's Eighth Amendment claim. Plaintiff's Motion for Summary Judgment is denied as moot.

IT IS SO ORDERED this 23rd day of January, 2018.

  
ROBIN J. CAUTHRON  
United States District Judge