

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>JULIO E. RIVERA ILARRAZA,</b>	:	<b>Civil No. 1:15-cv-2406</b>
	:	
<b>Plaintiff,</b>	:	
	:	
v.	:	
	:	
<b>JAMES CHUTA, et al.,</b>	:	
	:	
<b>Defendant.</b>	:	<b>Judge Sylvia H. Rambo</b>

**ORDER**

Presently before the court is a report and recommendation filed by the magistrate judge (Doc. 31) in which he recommends that the motion to dismiss or in the alternative motion for summary judgment (Doc. 16) filed by Defendant James Chuta be granted in part and denied in part. Objections to the report and recommendation were due on February 27, 2017, and to date, no objections have been filed. However, on February 24, 2017, Defendant Chuta filed an answer to the complaint. (Doc. 32.)

Upon review of the facts presented in the complaint and the applicable law, **IT IS HEREBY ORDERED** as follows:

- 1) The report and recommendation (Doc. 31) is **ADOPTED**.
- 2) Defendant Chuta's motion (Doc. 16) is **GRANTED** as to the plaintiff's Religious Land Use and Institutionalized Person Act ("RLUIPA") claim.
- 3) The motion is **DENIED** as to the plaintiff's First Amendment claim.

4) The matter is remanded to the magistrate judge for further proceedings.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: April 3, 2017