

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HOPE RISING COMMUNITY CHURCH,))	
a Pennsylvania nonprofit corporation,))	
)	2:15cv1165
Plaintiff,))	Electronic Filing
)	
v.))	Judge David Stewart Cercone
)	Magistrate Judge Robert C. Mitchell
MUNICIPALITY OF PENN HILLS,))	
a Pennsylvania municipal corporation,))	
)	
Defendant.))	

MEMORANDUM ORDER

The present action was filed on September 4, 2015. The case was referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Local Rules of Court 72.C and 72.D.

Plaintiff Hope Rising Community Church filed a Motion for Preliminary Injunction on September 17, 2015. [ECF No. 12]. The Magistrate Judge held a hearing on the matter on October 8, 2015. The Magistrate Judge's Report and Recommendation [ECF No. 33] filed October 28, 2015, recommended that Plaintiff's motion be granted. Service of the Report and Recommendation was made on all parties. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2 they had until November 11, 2015, to file any objections. Defendant the Municipality of Penn Hills timely filed objections on November 10, 2015, [ECF No. 35] to which Plaintiff timely responded on November 19, 2015 [ECF No. 36]. The objections are without merit, as the Report and Recommendation is not clearly erroneous or contrary to law.

Accordingly, after a *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 30th day of November, 2015,

IT IS HEREBY ORDERED that Plaintiff's Motion for Preliminary Injunction [ECF No. 12] is granted. Defendant shall permit, and not interfere in any manner, with Hope Rising Community Church using its Property located at 1405 Frey Road, Pittsburgh, Pennsylvania 15235 for religious assembly throughout the pendency of this case. Plaintiff shall give security in the amount of One Thousand Dollars (\$1,000.00) pursuant to Federal Rule of Civil Procedure 65(c) by December 7, 2015.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Robert C. Mitchell is hereby adopted as the Opinion of the District Court.



David Stewart Cercone
United States District Judge

cc: Honorable Robert C. Mitchell
United States Magistrate Judge
Daniel P. Dalton, Esquire
Lawrence J. Opalewski, Jr., Esquire
Lawrence Paladin, Jr., Esquire
Cathy L. Brannigan, Esquire
Suzanne B. Merrick, Esquire
Katharine L. Platt, Esquire

(Via CM/ECF Electronic Mail)