

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

AUG 10 2015

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<p>KEVIN D. SNODGRASS, JR.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>DAVID ROBINSON, <u>ET AL.</u>,</p> <p style="text-align: center;">Defendant(s).</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. 7:14CV00269</p> <p>MEMORANDUM OPINION (Adopting Report and Recommendation)</p> <p>By: Glen E. Conrad Chief United States District Judge</p>
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This prisoner civil rights action seeking monetary damages and declaratory and injunctive relief under 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act (“RLUIPA”) is presently before the court on the Report and Recommendation of Magistrate Judge Joel C. Hoppe and plaintiff’s objections thereto. For the reasons that follow, this court will overrule plaintiff’s objections, adopt the magistrate judge’s report, and grant in part and deny in part defendants’ motion for summary judgment.

The pro se plaintiff, Kevin D. Snodgrass, Jr., is an inmate at Red Onion State Prison. Snodgrass asserts that the Virginia Department of Corrections’ (“VDOC”) master pass list policy, 841.3 § IV.A.3(a)-(b), on its face and as applied to him in the summer of 2013, violates RLUIPA and the Free Exercise Clause of the First Amendment to the United States Constitution. Specifically, Snodgrass contends that Red Onion officials applied the master pass list policy as an exclusive test of his religious sincerity to deny his request to participate in the 2013 Ramadan fast in violation of his Sunni Muslim religious beliefs. Finally, Snodgrass also contends that defendants deprived him of a protected liberty interest in Ramadan participation without due process and applied the master pass policy in a manner that violated equal protection principles. Snodgrass brings his claims against A. David Robinson, the VDOC Chief of Operations who

implemented the master pass policy; George Hinkle, a VDOC Regional Administrator who addressed Snodgrass' grievance appeal; Randall C. Mathena, Warden of Red Onion, who implemented the policy at that facility; and J. King, the ROSP case counselor who, along with Mathena, refused Snodgrass' request that an exception be made under the policy to allow him to participate in Ramadan 2013, based on his past participation in the fast.

Defendants moved for summary judgment. The court denied the motion on the ground of qualified immunity and allowed discovery. Snodgrass then responded to defendants' motion as to the merits of his claims, and the court referred the matter to Judge Hoppe. In his Report and Recommendation, Judge Hoppe recommends that defendants' motion be granted in part and denied in part. Defendants have not filed objections to Judge Hoppe's findings and recommendations. Snodgrass filed objections which merely disagree with Judge Hoppe's legal conclusions and recommendations. After de novo review of the challenged portions of the report and pertinent parts of the record, the court finds that Snodgrass' concerns are adequately and correctly addressed in the report. Therefore, finding it appropriate to do so, the court will adopt the magistrate judge's report and recommendation in its entirety as consistent with the record and applicable law. An appropriate order will issue this day.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to plaintiff and to counsel of record for defendants.

ENTER: This 10th day of August, 2015.



Chief United States District Judge