

BRANDON SAMPLE,  
  
Plaintiff,  
  
v.  
  
HARLEY LAPPIN, *et al.*,  
  
Defendants.

For the reasons stated in the accompanying Opinion, it is hereby

ORDERED that defendants' motion to dismiss [Dkt. #17] is GRANTED IN PART and DENIED IN PART. Plaintiff has no separate cause of action under the Religious Land Use and Institutionalized Persons Act. In all other respects the motion to dismiss is DENIED; it is

FURTHER ORDERED that defendants' motion to transfer [Dkt. #17] is DENIED WITHOUT PREJUDICE; it is

FURTHER ORDERED that plaintiff's cross-motion for summary judgment as to Count I [Dkt. #21] is GRANTED IN PART and DENIED IN PART. Plaintiff makes out a *prima*

*facie* case under the Religious Freedom Restoration Act, in that the application of BOP regulations barring his consumption of wine every Friday and Saturday during the saying of the Kiddush and during the Passover Seder substantially burdens the exercise of sincerely held religious beliefs. In all other respects the motion is DENIED WITHOUT PREJUDICE; it is

FURTHER ORDERED that plaintiff's motion for further discovery pursuant to Rule 56(f) of the Federal Rules of Civil Procedure [Dkt. #19] is DENIED WITHOUT PREJUDICE; and it is

FURTHER ORDERED that the parties shall appear for a scheduling conference on April 19, 2006 at 9:00 a.m. in Courtroom 29A of the William B. Bryant Annex. The parties shall prepare a joint discovery plan meeting the requirements of Rule 16.3 of the Local Civil Rules of this Court and file it with the Court on or before April 12, 2006.

SO ORDERED.

/s/\_\_\_\_\_  
PAUL L. FRIEDMAN  
United States District Judge

DATE: March 31, 2006