

SCOTT SLOANE, Plaintiff, v. STATE OF NEVADA; et al., Defendants.

3:11-cv-00008-LRH-WGC

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

January 30, 2013, Decided

January 31, 2013, Filed

COUNSEL: Scott Allen Sloane, Plaintiff, Pro se, Ely, NV.

For Claude Willis, David McNeely, Renee Baker, Thomas Prince, Defendants: Brian W. Hagen, LEAD ATTORNEY, Carson City, NV.

JUDGES: LARRY R. HICKS, UNITED STATES DISTRICT JUDGE.

OPINION BY: LARRY R. HICKS

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#95¹) entered on October 30, 2012², recommending granting in part and denying in part Defendants Baker, McNeely and Willis' Motion for Summary Judgment (#61) filed on March 22, 2012; granting Defendant Prince's Motion for Summary Judgment (#84) filed on August 29, 2012; denying Plaintiff's Motion for Partial Summary Judgment (#78) filed on August 13, 2012; and denying Plaintiff's Motions to Strike (##67, 91) filed on May 23 and September 26, 2012, respectively. Defendants filed their Limited Objection to the Report and Recommendation of the Magistrate Judge (398) on November 13, 2012. Plaintiff filed his Objections to the Magistrate Judge's Report and Recommendation (#99) on November 16, 2012, his Response to Defendants' Limited Objection to the Report and Recommendation of The Magistrate Judge (#101) on November 26, 2012, and his Reply to Defendants' Response to Plaintiff's Objection to Report and Recommendation (#104) on December 12, 2012. Defendants filed their Response to Plaintiff's Objection to Report and Recommendation (#102) on November 28, 2012. Plaintiff also filed an Errata (#103) to his Response to Defendants' Limited Objection to the Report and Recommendation of The Magistrate Judge on November 29, 2012. This matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

¹ Refers to court's docket number.

² A corrected image of the Report and Recommendation (#96) was also docketed on October 30, 2012.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff and Defendants, the responses of Plaintiff and Defendants, the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#95) entered on October 30, 2012, should be adopted and accepted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#95) entered on October 5, 2012, is adopted and accepted, and Defendants Baker, McNeely and Willis' Motion for Summary Judgment (#61) is **DENIED with respect to the Seder supplies aspect of Plaintiff's First Amendment claim and is GRANTED with respect to the kosher for Passover food aspect of Plaintiff's First Amendment claim, which involved McNeely only.**

IT IS FURTHER ORDERED that Defendant Prince's Motion for Summary Judgment (#84) is **GRANTED.**

IT IS FURTHER ORDERED that Plaintiff's Motion for Partial Summary Judgment (#78) and his Motions to Strike (##67, 91) are **DENIED**.

IT IS FURTHER ORDERED that the parties shall have thirty (30) days from entry of this order to submit a proposed joint pre-trial order.

IT IS SO ORDERED.

DATED this 30th day of January, 2013.

/s/ Larry R. Hicks

LARRY R. HICKS

UNITED STATES DISTRICT JUDGE