

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

FINGAL E. JOHNSON,

Plaintiff,

v.

BILL MARTIN, *et al.*,

Defendants.

Case No. 2:00-CV-75

Hon. Richard Alan Enslen

MICHAEL JENKINS, *et al.*,

Plaintiffs,

v.

BILL MARTIN, *et al.*,

Defendants.

Case No. 1:01-CV-515

**ORDER, INJUNCTION, AND
PARTIAL JUDGMENT**

In accordance with the Opinion filed this day;

IT IS HEREBY ORDERED that Plaintiffs' Motion for Partial Summary Judgment (Dkt. No. 251) is **GRANTED IN PART** and **DENIED IN PART**. It is **GRANTED** in that the Motion sought injunctive relief under the Religious Land Use and Institutionalized Persons Act, and Defendants shall be enjoined from totally banning Melanic Literature from MDOC institutions. The Motion is **DENIED** in all other respects.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss or in the Alternative for Summary Judgment (Dkt. No. 253) is **GRANTED IN PART** and **DENIED IN PART**. Defendants

are **GRANTED** qualified immunity as to Plaintiffs' First Amendment claim, due process claim, and RLUIPA claim. The Motion is **DENIED** in all other respects.

DATED in Kalamazoo, MI:
December 7, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE