

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

**WILLIAM R. COUCH,**

Plaintiff

v.

**JOHN JABE, et al.,**

Defendants

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Civil Action No.: 7:05cv00642

**ORDER**

By: PAMELA MEADE SARGENT  
United States Magistrate Judge

This matter is before the undersigned on defendants' Motion For Summary Judgment, (Docket Item No. 13) ("the Motion"). For the reasons set forth in the Memorandum Opinion accompanying this Order, the Motion is **GRANTED in part and DENIED in part** and it is **ORDERED** as follows:

1. The following claims are dismissed as being barred by the applicable statute of limitations:
  - a. Plaintiff's claim under the First Amendment that he was deprived of all hot meals during a lockdown that coincided with part of Ramadan 2002; and
  - b. Plaintiff's claim under the First Amendment that he was denied adequate nutrition and calories during Ramadan 2002.
  
2. The following claims are dismissed based on the plaintiff's failure to exhaust his administrative remedies:
  - a. Plaintiff's claim under the Religious Land Use and Institutionalized Persons Act, ("RLUIPA"), that he was deprived

of all hot meals during a lockdown that coincided with part of Ramadan 2002;

- b. Plaintiff's claim under RLUIPA that he was denied adequate nutrition and calories during Ramadan 2002;
  - c. Plaintiff's claims under the First Amendment and RLUIPA that he was deprived of adequate nutrition and calories during Ramadan 2003;
  - d. Plaintiff's claims under the First Amendment and RLUIPA that he was denied all hot meals during a lockdown period that coincided with part of Ramadan 2004;
  - e. Plaintiff's claims under the First Amendment and RLUIPA that he was deprived of adequate nutrition and calories during Ramadan 2005;
  - f. Plaintiff's claims under the First Amendment and RLUIPA that he was denied the Eid ul Fitr prayer service following Ramadan 2003;
  - g. Plaintiff's claims under the First Amendment and RLUIPA that he was denied the Eid ul Fitr meal following Ramadan 2004; and
  - h. Plaintiff's claims under the First Amendment and RLUIPA that he was denied the Eid ul Fitr prayer service following Ramadan 2005.
3. The Motion is granted insofar as summary judgment is entered in the defendants' favor on the following claims:
    - a. Plaintiff's claims under the First Amendment and RLUIPA that he was deprived of all hot meals during a lockdown that coincided

- with part of Ramadan 2003;
- b. Plaintiff's claim under the Eighth Amendment regarding the service of exclusively cold meals during the lockdown that coincided with part of Ramadan 2003; and
  - c. Plaintiff's equal protection claim with regard to his allegation of being denied adequate nutrition and calories during Ramadan 2004.
4. The Motion is denied as to the following claims, and the following claims shall be set for trial:
- a. Plaintiff's claims under the First Amendment and RLUIPA that he was denied adequate nutrition and calories during Ramadan 2004;
  - b. Plaintiff's due process claim with regard to his allegation that he was denied adequate nutrition and calories during Ramadan 2004;
  - c. Plaintiff's claims under the First Amendment and RLUIPA that he was denied the Eid ul Fitr meal following Ramadan 2003;
  - d. Plaintiff's claims under the First Amendment and RLUIPA that he was denied the Eid ul Fitr meal following Ramadan 2005; and
  - e. Plaintiff's claims under the First Amendment and RLUIPA that he was deprived of the Eid ul Fitr prayer service following Ramadan 2004.

The Clerk is directed to send a certified copy of this Order and accompanying Memorandum Opinion to all counsel of record and unrepresented parties.

ENTER: September 22, 2006.

/s/ Pamela Meade Sargent  
UNITED STATES MAGISTRATE JUDGE