

**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
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| IRA W. MADISON |) | |
| |) | Civ. No. 7:01CV00596 |
| Plaintiff, |) | |
| |) | <u>ORDER</u> |
| v. |) | |
| |) | |
| R. RITER, et al. |) | By: James C. Turk |
| |) | Senior United States District Judge |
| Defendants. |) | |

This matter is before the Court on the Defendants' Motion to Dismiss the Plaintiff's claim under the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 2000cc-1 (2002), on the basis that the Act violates the United States Constitution. The Court heard oral arguments from the parties and the United States Government as intervener on November 26, 2002. As explained more fully in the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

- (1) that section 2000cc-1 of RLUIPA, the section of the Act governing the claims of prison inmates, is **UNCONSTITUTIONAL** as a violation of the Establishment Clause;
- (2) that the Plaintiff's RLUIPA claim is hereby **DISMISSED**; and
- (3) that the issue of the constitutionality of section 2000cc-1 is **CERTIFIED** for interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

The Clerk is directed to send certified copies of this order to all counsel of record,
including counsel for the United States.

ENTER: This 23rd day of January 2003.

James C. Turk
Senior United States District Judge