

FILED

MAR 31 1995

CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY BNL
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM ROUSER,

Plaintiff,

No. CIV S-93-0767-LKK GGH P

vs.

THEO WHITE, et al.,

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 16, 1995, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty (20)

1 days. On March 23, 1995, plaintiff filed timely objections to the
2 findings and recommendations.

3 In accordance with the provisions of 28 U.S.C.
4 § 636(b)(1)(C) and Local Rule 305, this court has conducted a de
5 novo review of this case. Having carefully reviewed the entire
6 file, the court finds the findings and recommendations to be
7 supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The Findings and Recommendations filed March 23,
10 1995, are adopted in full;

11 2. Plaintiff's motion for summary judgment is granted as
12 to his free exercise claim concerning tarot cards and denied in all
13 other respects;

14 3. Defendants' motion for summary judgment is denied as
15 to plaintiff's claim regarding tarot cards and denial of the
16 Witches Bible while in administrative segregation, but granted in
17 all other respects;

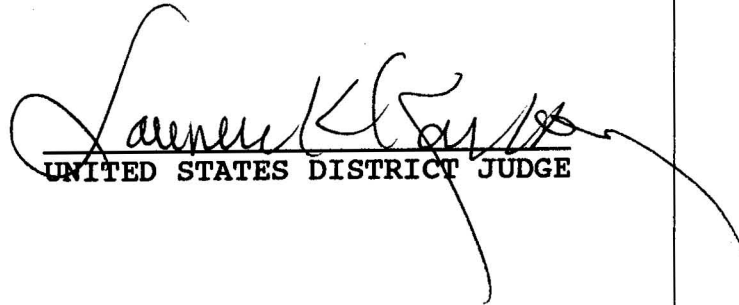
18 4. Plaintiff's October 21, 1994, motion for a
19 preliminary injunction is granted with respect to his request for
20 tarot cards; within thirty days from the date of this order,
21 defendants shall implement a procedure by which plaintiff may
22 possess tarot cards when he intends to perform Wiccan rituals;
23 plaintiff and defendants shall provide further briefing regarding
24 the request for the Wiccan Bible as discussed above within thirty
25 days from the date of this order; and

26 ////

1 5. Plaintiff's request for injunctive relief is denied
2 in all other respects.

3 DATED:

3/30/95


UNITED STATES DISTRICT JUDGE

6 /rb
rouser.805

bw

United States District Court
for the
Eastern District of California
March 31, 1995

* * CERTIFICATE OF SERVICE * *

2:93-cv-00767

Rouser

v.

White

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on March 31, 1995, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

William Rouser
C-10659
Folsom State Prison
PO Box 29
Represa, CA 95671

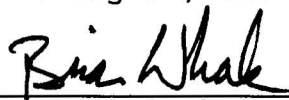
SJ/LKK

VC/GGH

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Jack L. Wagner, Clerk

BY:


Deputy Clerk