

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 06-3556

Anthony Pratt,

Appellant,

v.

Corrections Corporation of America;
Darren Swenson; Wangeler, Assistant
Warden; Jeff Berger; D. Engelbrecht;
Barry Brace; Marcia Wellnitz; Patrick
O'Malley,

Appellees.

*
*
*
*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: March 3, 2008
Filed: March 7, 2008

Before WOLLMAN, RILEY, and GRUENDER, Circuit Judges.

PER CURIAM.

Anthony Pratt, an inmate formerly in Wisconsin state custody and housed at the Prairie Correctional Facility (PCF) in Minnesota, appeals the district court's¹ grant of

¹The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.

summary judgment to defendants in his 42 U.S.C. § 1983 action on his claims regarding the denial of a prison diet containing Halal meat.

The district court originally dismissed Pratt's claims, but this court remanded for further proceedings. See Pratt v. Corr. Corp. of Am., 124 Fed. Appx. 465, 466-67 (8th Cir. 2005) (unpublished per curiam). Following the remand, Pratt filed an amended complaint, alleging that the Corrections Corporation of America (CCA) and various CCA-PCF officials violated his rights under the Religious Freedom Restoration Act (RFRA), the Religious Land Use and Institutionalized Persons Act (RLUIPA), and the First, Fifth, Eighth, and Fourteenth Amendments. Pratt alleged the following. He practices the Islam religion, which requires adherence to a Halal diet: permitted foods include non-animal products and special Halal meat, i.e., red meat, chicken, or turkey from animals that were blessed in the name of Allah before their slaughter. PCF agreed to offer Pratt special vegetarian meals, but the vegetarian diet was nutritionally inadequate; and further PCF breached a contract with him by failing to provide Halal meat. Following defendants' summary judgment motion and Pratt's response, the district court granted summary judgment in favor of defendants.

After de novo review, see Anderson v. Larson, 327 F.3d 762, 767 (8th Cir. 2003), we find that the district court properly granted summary judgment for defendants. First, Pratt's claims for injunctive and declaratory relief are now moot, as Pratt is in federal custody and is no longer subject to CCA policy. See Smith v. Hundley, 190 F.3d 852, 855 (8th Cir. 1999) (inmate's claims for declaratory and injunctive relief are moot when he is transferred to another facility and is no longer subject to alleged unlawful conditions). Second, we find that Pratt's claims brought under the First Amendment, RFRA, and RLUIPA all fail, because he did not show that defendants placed a "substantial burden" on his ability to practice his religion by failing to provide him with Halal meat. See Patel v. U.S. Bureau of Prisons, No. 06-3819, 2008 WL 28192, at **1, 4-5 & n.8 (8th Cir. Feb. 4, 2008) (prison's meal plan regulations did not substantially burden Muslim inmate's free exercise rights where

inmate had access to only vegetarian entrees, and some of those entrees he had to pay for himself). Third, the vegetarian diet did not violate Pratt's Eighth Amendment rights, as he did not rebut defendants' evidence that the meals were nutritionally adequate. See Berry v. Brady, 192 F.3d 504, 507 (5th Cir. 1999) (Eighth Amendment requires that inmates receive well-balanced meals containing sufficient nutritional value to preserve health). Finally, defendants did not breach any contractual duty by failing to provide a diet including Halal meat.

Accordingly, the judgment is affirmed.
