

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 12-1917

FIRST KOREAN CHURCH OF
NEW YORK, INC.,
Appellant

v.

CHELTENHAM TOWNSHIP ZONING HEARING BOARD;
CHELTENHAM TOWNSHIP

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
District Court No. 2-05-cv-06389
District Judge: The Honorable Norma L. Shapiro

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
January 14, 2013

Before: SMITH, CHAGARES, and BARRY, *Circuit Judges*

(Filed: January 24, 2013)

JUDGMENT ORDER

SMITH, *Circuit Judge*.

This cause came on to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted on January 14, 2013. First Korean Church of New York, Inc. alleges that the Cheltenham Township and its Zoning Hearing Board violated its First Amendment right to religious freedom, its Fourteenth Amendment right to equal protection, and its rights under the Religious Land Use and Institutionalized Persons Act of 2000 by preventing First Korean from using its property as a church and seminary. The parties filed cross-motions for summary judgment. The District Court granted summary judgment in favor of the Cheltenham Township and its Zoning Hearing Board on all of First Korean's claims (and correspondingly denied First Korean's cross-motion for summary judgment). First Korean then timely appealed the District Court's decision to this Court.

The District Court had federal-question jurisdiction under 28 U.S.C. § 1331, and we exercise appellate jurisdiction under 28 U.S.C. § 1291. We conduct plenary review of the District Court's grant of summary judgment. *Funk v. CIGNA Grp. Ins.*, 648 F.3d 182, 190 (3d Cir. 2011). For substantially the same

reasons as those given by the District Court, we will affirm the District Court's grant of summary judgment in favor of the Cheltenham Township and the Cheltenham Zoning Hearing Board on all of First Korean Church's claims.

On consideration whereof, it is now hereby ADJUDGED and ORDERED that the judgment of the District Court entered February 29, 2012, be and the same is hereby AFFIRMED. Costs taxed against Appellant.

Attest:

Marcia M. Waldron,

Clerk

DATED: January 24, 2013