



David W. Ross, an Arkansas citizen, appeals from the district court's<sup>1</sup> order setting aside his default judgment against Darlene V. Ross and dismissing the case against her with prejudice, in his action brought pursuant to the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb (RFRA). While this appeal was pending, the Supreme Court decided City of Boerne v. Flores, 117 S. Ct. 2157, 2172 (1997), in which it struck down RFRA as unconstitutional. The RFRA claim is thus no longer viable, see Montano v. Hedgepeth, 120 F.3d 844, 847 n.8 (8th Cir. 1997). To the extent that they have not become moot, Ross's remaining arguments are without merit.

The judgment is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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<sup>1</sup>The Honorable Elsjane Trimble Roy, United States District Judge for the Eastern District of Arkansas.