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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ وَسَلَّمَ تَسْلِيمًا

Muslim Inmate Litigations

The following is a list and description of litigations brought before the US courts by Muslim inmates. Some of the litigations were successful and some were not. I concentrated mainly on the period after 2001 because, this period witnessed the turning point of the United States treatment of its inmate populations. What this means is that illegal and unconstitutional practices such as torture, sensory deprivation, etc, which had long been the norm in Federal, state and now privatized institutions, were now being exported abroad internationally in violation of international standards. The list explains why these litigations were successful in certain cases and why they were not. I believe that the one weapon which the Muslim inmate population has is the right to litigate and bring forward class actions lawsuits designed to bring the penal system in the United States in conformity with internationally accepted standards on the treatment of inmates.

It is important that the Muslim inmate population have a fundamental understanding of Islamic jurisprudence, beliefs and customs, along with a basic grasp of the diverse schools of thought in Islam. If this is not possible, then they should have access to those clerics who do possess this knowledge. In many cases court litigations fail, simply because the Muslim plaintiffs lack grounding in the basics of Islam. I would add to this, that Muslims should begin to learn and understand international standards regarding the just and humane treatments of inmates. These resolutions have been systematically annotated and codified in the United Nations. Because the United States is a signatory to these agreements and resolutions, they constitute a part of constitutional law. Thus, by the United States penal system violating such internationally accepted standards, it also violates its own constitutional standards; and this is the chink in the armor of the system which the Muslim plaintiff must go after with high resolutions and the help of Allah ta'ala.

I believe that a thorough understanding of each of the litigations listed below should be attained and studied by Muslim inmates; in order to determine where the litigations went wrong and how they were successful. The key is not to merely bring a successful lawsuit into the courts, but to repeatedly demonstrate that the US federal, state and private penal system is an aberration of international standards and in violation of its own constitutional standards. The reality is that presently throughout the world there are secret prisons where Muslims are routinely tortured and killed. The United States has long held Muslim political prisoners within its federal, state and now privatized penal colonies. It is by waging a litigation *jihad* in the US penal system that some redress can be made in the international community, as well. It is for this reason that Muslim inmate legal actions in the US courts constitute the front line of defense of Islam. Every successful Muslim litigation passed in the US courts, is a

standardization and recognition of the Islamic *shari`a*; it is a strengthening of international standards on the humane and just treatments of inmates and detainees worldwide; but more importantly it is a perfecting and refining of the United States constitution.

Because the United States is a normative state whose values and practices are repeated and mimicked throughout the world; any and all legal actions by individual Muslim inmates or class action litigations: [1] constitute a form of *jihad* which is the best action that a Muslim can get involved in; [2] it makes the Muslim inmate who has lost his 'citizenship' (so to speak) because of his incarceration; become an active citizen of the world community; and [3] due to the refining of the US constitutional standards as a result of his/her legal actions, he/she in effect becomes a PATRIOT in the true sense of the word. Success is with Allah.

Sincerely

Shaykh Abu Alfa Umar **Muhammad Shareef** bin Farid

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Institute of Islamic-African Studies International

Some Muslim Inmate Litigations

Muslim prisoner who claimed he suffered retaliation from prison officials for complaining about alleged religious discrimination failed to show that the alleged "retaliation" resulted in any harm, barring his claim. Court further finds that the prisoner's employment by the California Prison Industry Authority did not make him an "employee" for purposes of a Title VII claim under the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e. *Wade v. Cal. Dept. of Corrections*, No. 05-15653, 171 Fed. Appx. 601 (9th Cir. 2006). [N/R]

Firing of Muslim inmate cook from prison kitchen job after he refused to prepare a meal using pork, if true, violated his clearly established First Amendment rights to religious freedom. Prior cases from other federal appeals courts provided prison officials a fair warning that their actions were unconstitutional. *Williams v. Bitner*, No. 05-1930, 2006 U.S. App. Lexis 18583 (3d Cir.). [2006 JB Sep]

Muslim prisoner's case manager was not liable for alleged violations of his religious freedom rights based on the alleged serving of pork to him, and the refusal to provide him with his meals after sundown during Ramadan, when there was no showing that the case manager was personally involved in those actions. Additionally, prisoner failed to show that he could distinguish between pork and pork substitute, as he claimed, or that prison official's alleged mocking of his religion was anything more than a "de minimis" (minimal) violation of his rights, insufficient to support liability. *Omar v. Casterline*, No. Civ. A. No. 02-1933, 414 F. Supp. 2d 582 (W.D. La. 2006). [N/R]

Muslim prisoner sufficiently stated federal civil rights claims against one prison cook and one food service manager for allegedly violating his right to free exercise of his religion by intentionally misleading him into consuming food (turkey ham) containing pork. *Lewis v. Mitchell*, No. 04CV2468, 416 F. Supp. 2d 935 (S.D. Cal. 2005). [N/R]

Muslim prisoner's right to religious freedom under the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42. U.S.C. Sec. 2000cc-1, were not violated by prison regulations and policies allowing him the use of only a prayer towel rather than a prayer rug, and limiting the quantities of prayer oil he could possess. Court also upholds a policy permitting the purchase of religious items only from prescreened vendors. Prison officials were entitled to qualified immunity on prisoner's claim that providing him with pork-free or vegetarian meals, rather than a "halal" meat diet was inadequate to satisfy his religious requirements, because a reasonable official could have believed that the prisoner did not have an established right to halal meat. *Ahmad v. Department of Correction*, 845 N.E.2d 289 (Mass. 2006). [N/R]

Rights of Shiite Muslim inmates were not violated by the availability of only an allegedly Sunni Muslim service at a state prison. The services were considered "unified" Muslim services by prison authorities, and prisoners were also allowed to engage in individual prayers. Additionally, there was also doubt that interested Shiite Muslim prisoners could gather the necessary seven persons required for a valid Shiite service. *Orafan v. Goord*, No. 00-CV-2022, 411 F. Supp. 2d 153 (N.D.N.Y. 2006). [N/R]

Prison's refusal to allow a Muslim inmate to perform a "Khutba sermon" during a weekly "Jumu`a" prayer meeting was not a violation of his right to exercise his religion under either the First Amendment or the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. Sec. 2000cc.

Prison officials allowed the use of a video-recorded Khutba sermon by a qualified individual each Friday when there was no qualified person to perform the sermon live. Prison officials had a compelling governmental interest in avoiding the "elevation" of one inmate to a position of religious leadership over others, and allowing a tape recorded presentation of the sermon was the least restrictive means of furthering that interest. *Shabazz v. Arkansas Department of Correction*, No. 04-3852, 157 Fed. Appx. 944 (8th Cir. 2005). [N/R]

Texas state prison policy prohibiting a Muslim prisoner from having a beard did not violate his right to religious freedom under the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. Sec. 2000cc, because of the need for accurate pictures of inmates for security purposes. Additionally, he was not denied equal protection by the fact that inmates with certain skin conditions were allowed to have quarter-inch beards, since the policy prohibiting beards for other reasons was equally applied to all religious groups and was adopted for security purposes. *Gooden v. Crain*, No. 6:04cv127, 405 F. Supp. 2d 714 (E.D. Tex. 2005). [N/R]

Federal appeals court overturns ruling that defendant prison officials waived their defense of qualified immunity to plaintiff prisoner's claim under federal statute concerning religious freedom by failing to raise it in their answer to his complaint. The defense was sufficiently raised in their motion for summary judgment, despite the failure to specifically mention the statute in relationship to qualified immunity. *Ahmad v. Furlong*, No. 04-1450 2006 U.S. App. Lexis 1098 (10th Cir.). [2006 JB Mar]

Muslim inmate could proceed with his claim that he suffered severe emotional and psychological injuries from the alleged denial of "Halal" meals required by his religion. His claims were not barred by the provisions of the Prison Litigation Reform Act (PLRA), 42 U.S.C. Sec. 1997e(e) requiring that he show a physical injury before being able to recover damages for mental and emotional injuries because his alleged loss of 30 pounds of weight while eating vegetarian meals which he asserted lacked adequate nutrition was sufficient to show a physical injury. Further, his lawsuit was not rendered moot because of his transfer to another facility when it was run by the same private company as operates the first facility. *Pratt v. Corrections Corporation of America*, No. 04-2413, 124 Fed. Appx. 465 (8th Cir. 2005). [N/R]

Refusal to allow prisoner who was a member of the Nation of Islam to receive books concerning his religion gave him a valid claim for denial of his right to exercise his religion. Prison rules allowed inmates at the prisoner's "incentive-level" to keep only religious "texts," such as a Bible or Koran, and not books "about religion." Prison officials were, however, entitled to qualified immunity from damages on his claims, as the law on the subject was not clearly established. No claim was stated for violation of equal protection, however, because of the absence of evidence that prisoners of other faiths were treated differently. *Roddy v. Banks*, No. 03-3735, 124 Fed. Appx. 469 (8th Cir. 2005). [N/R].

Muslim prisoner's rights were not violated by county jail's refusal to create an "all-Muslim" living unit, or by its cancellation of Muslim group worship services during lockdowns, periods of staff shortages, or when volunteer Muslim religious leaders were not available. Court also upholds limiting the number of inmates who could simultaneously attend group services, limiting group services to three times weekly, and the strip-searching of inmates returning from such services to a maximum-security area. *McRoy v. Cook County Department of Corrections*, No. 03C6756, 366 F. Supp. 2d 662 (N.D. Ill. 2005). [2005 JB Dec]

Prison regulation limiting inmates to a total of 15 books in their cells did not violate the religious freedom rights of a Shiite Muslim, and applied equally to prisoners of all religions. *Neal v. Lewis*, No. 04-3324, 2005 U.S. App. Lexis 14105 (10th Cir.). [2005 JB Sep]

Muslim prisoner adequately alleged that prison officials knew of a threat to him from other Muslim inmates, but failed to take action to protect him. *Hearns v. Terhune*, No. 02-56302, 2005 U.S. App. Lexis 13034 (9th Cir.). [2005 JB Aug]

Despite prisoner's claim that his religion--the Moorish Science Temple of America--required him to "honor and study" the prophets of "all religions," prison officials did not violate his rights by refusing to allow him to attend group worship and study sessions of Buddhism, Confucianism, Islam, and Christianity, in addition to the meetings of his own religion. The court finds that there were "obvious" legitimate security concerns and scheduling problems with allowing an inmate to attend the services of "all" religions. *Burks-Bey v. Stevenson*, No. 3:04-CV-0096, 328 F. Supp. 2d 928 (N.D. Ind. 2004). [N/R]

Shiite Muslim prisoner of Iraqi descent failed to show that he was fired from his prison job with private manufacturer on the basis of his sex, race, religion or national origin, when, in fact, at the time of his discharge, he was not able to work at all because he had been placed in segregation. Alleged discriminatory remarks by supervisor were not sufficiently pervasive to create a hostile work environment. *Al-Zubaidy v. Tek Indus.*, No. 03-3457, 406 F.3d 1030 (8th Cir. 2005). [2005 JB Jul]

Correctional officials acted properly in imposing discipline on prisoner who refused to obey order to take TB test on religious grounds. Detecting latent TB to prevent its spread was a legitimate penological interest and the discipline imposed was reasonably related to serving that interest. *Cannon v. Mote*, No. 4-04-0222, 2005 Ill. App. Lexis 212 (Ill. App. 4th Dist. 2005). [2005 JB May]

Muslim prisoner's federal civil rights lawsuit against state correctional authorities in their official capacity, claiming that they violated his right to religious freedom and equal protection of law by failing to provide him with ritually slaughtered meat while providing kosher meals to Jewish inmates was barred by Eleventh Amendment immunity. His lawsuit against the defendants in their official capacity was, in essence, a lawsuit against the State itself, and the State of Kansas had not waived its Eleventh Amendment immunity. The prisoner failed to sue the defendants, the Secretary of the state Department of Corrections, and the warden, in their individual capacities. *Johnson v. Simmons*, No. CIV.A.02-3020, 338 F. Supp. 2d 1241 (D. Kan. 2004). [N/R]

There was a genuine issue of fact as to whether it would be cost prohibitive to prepare meat portion of meals for Muslim prisoners according to the "Halal" dietary restrictions as compared to the cost of preparing Kosher meals for Jewish prisoners, barring summary judgment in Muslim prisoners' lawsuit. Because of existing case law, however, suggesting that prison officials sufficiently complied with Muslim prisoners' religious rights by merely providing a vegetarian or pork-free diet, defendant prison officials were entitled to qualified immunity from liability for money damages. *Hudson v. Maloney*, 326 F. Supp. 2d 206 (D. Mass. 2004). [N/R]

A policy of disciplining Muslim prisoners who missed their work assignments so that they could attend an hour long Friday Sabbath worship service violated their rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA) 42 U.S.C. Sec. 2000cc, because this was not the least restrictive means of satisfying a compelling governmental interest in keeping prisoners occupied or of using their labor to support the upkeep of the prison. Court also rejects prison grooming policy that imposed penalties on Muslim prisoners who refused to shave their beards for religious reasons, as prison officials also failed to show that this was the least restrictive means of addressing concerns about prisoners' ability to quickly change their appearance after escape. *Mayweathers v. Terhune*, 328 F. Supp. 2d 1086 (E.D. Cal. 2004). [N/R]

I can speak at length about this successful litigation, because, as the official Muslim Chaplain, I was able to bring into the case what most inmate litigations lacked, and that was official United Nations observation of the litigation. In fact, from the very beginning, Mayweathers and his Muslim litigants were instructed that the United Nations under the International Human Rights Association for American Minorities (IHRAAM) as well as jurists from the United Nations Human Rights Commission would be involved in the case as observers to test and see if the courts, the state, and prison officials acted consistent with international standards, and if not how far and to what extent did they in their official capacities deviate from accepted standards. Because of my involvement in this litigation and many others, I was accused, by the CDC of 'jeopardizing the security of the prison' and was fired. However, because an international conduit was looking over the shoulder of the court as official observer, the court officials were more strident in seeing that justice was done.

Prison policy prohibiting inmates from wearing a visible string of Muslim prayer beads outside of his cell, when the necklace was larger than 1/8th of an inch in diameter did not violate his right to religious freedom. The rule was the least restrictive means that prison officials had of pursuing a legitimate penological interest in suppressing gang activity, and allowed the Muslim prisoner to wear prayer beads outside his cell if they were small enough so that they would be "unobtrusive" under his shirt. *Charles v. Frank*, No. 04-1674, 101 Fed. Appx. 634 (7th Cir. 2004). [N/R]

Punishment of Muslim prisoner for failing to respond to officer's order until he completed his prayers might violate his rights if, as he claimed, the officer intentionally gave the order then in order to interfere with his exercise of his religion. Prisoner was subsequently fed food "loaf" rather than "properly blessed" (Halal) food for a week, allegedly interfering with his celebration of the Muslim holy month of Ramadan. *McEachin v. McGuinnis*, No. 02-0117, 357 F.3d 197 (2nd Cir. 2004). [2004 JB Apr]

Prison policy prohibiting inmates from purchasing Muslim prayer oils and keeping them in their cells was rationally related to a legitimate interest in deterring drug use, since the oils could mask the scent of drugs, but federal appeals court orders further proceedings under federal statute requiring a showing of a compelling state interest and use of the "least restrictive means" to justify a "substantial burden" on prisoner religious practices. *Hammons v. Saffle*, No. 02-5009, 348 F.3d 1250 (10th Cir. 2003). [2004 JB Mar]

Muslim prisoner adequately stated a claim against a correctional officer for violating his right to exercise his religion by confiscating his prayer musk oil from his cell when he had the prison chaplain's approval to possess the oil and he was told, in response to his grievance against the officer, that prisoners were allowed to have such oil in their cells. *Baltoski v. Pretorius*, 291 F. Supp. 2d 807 (N.D. Ind. 2003). [N/R]

Prison officials were improperly granted summary judgment in Muslim prisoner's lawsuit claiming that his religious freedom rights were denied by refusal to feed him an "Eid ul Fitr" feast in his cell. Trial court improperly inquired into the religious significance of the feast after finding that the prisoner sincerely believed it to be religiously significant even though served to other prisoners on a day delayed from its actual religious observance. *Ford v. McGinnis*, No. 02-0205, 352 F.3d 582, 2003 U.S. App. Lexis 25224 (2nd Cir. 2003). [2004 JB Feb]

Housing a Muslim prisoner in a cell with a non-Muslim did not constitute a "substantial burden" to his exercise of his religious beliefs in violation of the Religious Land Use & Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. Sec. 2000 cc-1 or the Oklahoma Religious Freedom Act, 51 Okl. St. Ann. Sec. 253.

Prisoner could pray several times during the day outside his cell and having to pray, once a day, while locked down with this cellmate only had an "incidental" effect on his practice of his religion. Policy of randomly assigning cellmates was reasonably related to a legitimate penological objective of preventing racial or religious discrimination in cell assignments. *Steele v. Guilfeyle*, No. 97,997, 76 P.3d 99 (Okla. Civ. App. Div. 1 2003). [N/R]

New York federal court rules that "Five Percenter" group, widely classified by correctional institutions as a security threat group and gang, is entitled to treatment as a religion by prison officials. Injunction issued allowing prisoner to possess a copy of the group's basic text and numerological devices, with further proceedings ordered as to the possible right to possess other group materials and symbols, including its newspaper, or to engage in gatherings and fasts. *Marria v. Broaddus*, 2003 U.S. Dist. Lexis 13329 (S.D.N.Y. 2003). [2003 JB Oct]

Federal court rules that provisions of federal statute governing a Muslim prisoner's claim violated the Establishment of Religion clause of the First Amendment by applying only to religious practices and thereby providing heightened protection only to inmates seeking to exercise religious rights as opposed to other constitutional rights. *Kilaab Al Ghashiyah v. Department of Corrections of Wisconsin*, 250 F. Supp. 2d 1016 (E.D. Wis. 2003). [2003 JB Aug]

Jail officials had an objectively reasonable belief that they were not violating a Muslim prisoner's religious freedom rights by denying him a vegetarian diet and were therefore entitled to qualified immunity from liability for doing so. *Kind v. Frank*, No. 02-1969, 2003 U.S. App. Lexis 10754 (8th Cir.). [2003 JB Jul]

Prison officials were not shown to have any knowledge that a non-prisoner was a Nation of Islam prisoner's spiritual advisor, entitling them to qualified immunity over the claim that they violated federal civil rights by preventing him and the prisoner from communicating. *Proctor v. Toney*, #02-2788, 53 Fed. Appx. 793 (8th Cir. 2002). [N/R]

Muslim prisoner's exclusion for two months from group religious services did not violate his First Amendment rights when the prisoner and chaplain had a disagreement about religious doctrines and the only other alternative to his exclusion would have been providing more security to ensure order at services. Plaintiff prisoner had alternative means of exercising his religious beliefs during the period in question, including individual prayer and study of religious literature. *Allah v. Al-Hafeez*, 208 F. Supp. 2d 520 (E.D.Pa. 2002). [N/R]

Massachusetts intermediate appeals court rules that prison must allow Muslim prisoners to wear kufi religious caps, even if housed in disciplinary housing units. *Abdul-Alazim v. Superintendent*, No. 99P-1302, 778 N.E.2d 946 (Mass. App. 2002). [2003 JB Feb.]

Policy under which Muslim splinter group was designated as a Security Threat Group (STG) subject to special security measures, including the transfer of core group members to a special unit where they must participate in a behavior modification program did not violate prisoners' constitutional rights to free exercise of their religion, their right to equal protection, or deprive them of a protected liberty interest. *Fraise v. Terhune*, #00-5062, 283 F.3d 506 (3rd Cir. 2002). [2002 JB Oct]

Federal Bureau of Prisons' (BOP) action of housing federal prisoners who were Rastafarians or Muslims in Virginia state facilities with a grooming policy prohibiting long hair and beards violated the prisoners' rights under the Religious Freedom Restoration Act. Court orders BOP to transfer such prisoners to other facilities. *Gartrell v. Ashcroft*, 191 F. Supp. 2d 23 (D.D.C. 2002). [2002 JB Aug]

State prison's denial of request of Shi'ite Muslims for separate group religious services from Sunni Muslims was not facially violative of their First Amendment rights. Shi'ite prisoner's rights may have been violated by use of joint services by a chaplain hostile to their sect to disparage their beliefs, but state correctional authorities enactment of new protocol prohibiting such disparagement addressed the problem. *Pugh v. Goord*, 184 F. Supp. 2d 326 (S.D.N.Y. 2002). [2002 JB Jun]

A provision of the Prison Litigation Reform Act, 18 U.S.C. Sec. 3626(a)(2) , under which a grant of preliminary injunctive relief automatically expires after 90 days did not bar the renewal of the court's injunction forbidding prison administrators from imposing discipline on Muslim inmates who missed work assignments to attend Friday Sabbath services. The provision does not limit the number of times that a court can renew the preliminary injunctive relief, but simply imposes a burden on the plaintiffs to "continue to prove that preliminary relief is warranted." *Mayweathers v. Newland*, No. 00-16708, 258 F.3d 930 (9th Cir. 2001). [N/R]

Muslim prisoner could pursue claim that his equal protection rights were violated by prison allowing inmates with certain medical conditions to wear three-quarter-inch beards while denying his request to wear a one-quarter-inch beard for religious purposes. *Taylor v. Johnson*, #00-21155, 257 F.2d 470 (5th Cir. 2001)

297:136 Provision of Prison Litigation Reform Act barring claims for emotional distress unaccompanied by physical injury did not bar Muslim prisoner's lawsuit for violation of his right to practice his religion. *Shaheed- Muhammad v. Dipaolo*, 138 F. Supp. 2d 99 (D. Mass. 2001)

297:136 Provision of Prison Litigation Reform Act barring claims for emotional distress unaccompanied by physical injury did not bar Muslim prisoner's lawsuit for violation of his right to practice his religion. *Shaheed- Muhammad v. Dipaolo*, 138 F. Supp. 2d 99 (D. Mass. 2001)

293:75 Officer was protected by qualified immunity from liability for bringing disciplinary proceeding against a Moslem inmate in retaliation for his wearing "kufi" religious headgear, since a reasonable officer could have concluded that contraband could be concealed under the kufi. *Nicholas v. Tucker*, 2001 U.S. Dist. LEXIS 2323 (S.D.N.Y.)

290:26 Requirement that Muslim prisoner be clean shaven, and not allowing him even a 1/4 inch beard, was not a violation of his rights, despite allowance of 3/4 inch beards for inmates with medical conditions aggravated by shaving. *Green v. Polunsky*, No. 00-40156, 229 F.3d 486 (5th Cir. 2000). Other federal appeals courts considering the issue of short beards have upheld prison grooming policies. See *Hines v. South Carolina Dept. of Corrections*, 148 F.3d 353 (4th Cir. 1998); *Harris v. Chapman*, 97 F.3d 499 (11th Cir. 1996); and *Friedman v. Arizona*, 912 F.2d 328 (9th Cir. 1990)

287:174 Prison Litigation Reform Act barred prisoners from attempting to recover damages for mental or emotional injury alleged caused by policies they said imposed stress on Muslim prisoners, in the absence of a showing of physical injury. *Craig v. Cohn*, 80 F. Supp. 2d 944 (N.D. Ind. 2000)

286:157 "Nation of Islam" members in New York state prison were not entitled to a kosher diet, even though it was being supplied to Jewish prisoners, when a pork-free "Religious Alternative Menu" provided to them was adequate to meet their nutritional and religious requirements; prison did not violate their rights by refusing to hire one of them as an inmate clerk to handle "Nation of Islam" affairs in the facility. *Muhammad v. Warithu-Deen Umar*, 98 F. Supp. 2d 337 (W.D.N.Y. 2000).

279:42 Prison rule prohibiting religious services in unauthorized areas did not provide Muslim prisoner with adequate notice that his conduct of silent, individual, demonstrative prayer in recreation yard would be a violation of the rule for which he could be disciplined; Attorneys' fee cap of Prison Litigation Reform Act applied despite the fact that the lawsuit was filed before the statute's enactment; \$73,694.36 in fees and costs awarded. *Chatin v. Coombe*, Nos. 98-2484, 98-2556, 186 F.3d 82 (2nd Cir. 1999)

277:9 Prison's policy of not fully applying modified meal delivery schedule for Muslim prisoners during Ramadan religious holiday to prisoners in segregation imposed impermissible burden on religious freedom when court found no legitimate security or budgetary interest supported the difference; further proceedings ordered, however, on trial court's award of \$9,000 in damages. *Makin v. Colorado Dept. of Corrections*, #98-1272, 183 F.3d 1205 (10th Cir. 1999).

278:25 Exhaustion of remedies requirement of Prison Litigation Reform Act did not apply retroactively to bar lawsuit already pending; federal appeals court reinstates prisoner's lawsuit complaining that officials prevented him from meeting with prison chaplain. *Salahuddin v. Mead*, #97-2522, 174 F.3d 271 (2nd Cir. 1999).

269:76 Prison officials' instructions to Muslim correctional officer, asking that he refrain from greeting Muslim inmates in Arabic, was not religious discrimination, but rather was based on legitimate concerns about fraternization with prisoners and the possible perception of special treatment of Muslim prisoners. *Hafford v. Seidner*, #97-4240, 167 F.3d 1074 (6th Cir. 1999).

270:93 Allegation that male prisoner was subjected to repeated strip and body cavity searches by female officer under non-emergency conditions while male officers were available to conduct the search, and that purpose of searches was solely to "harass" and intimidate him stated non-frivolous claim for Fourth Amendment violation. *Moore v. Carwell*, #97-40840, 168 F.3d 234 (5th Cir. 1999)

273:141 Prison's requirement that an outside religious volunteer be present before daily group Ramadan prayer services would be permitted was reasonable given scarce prison resources, and security concerns about supervision of maximum security prisoners; requirement did not violate Muslim prisoner's right to religious freedom. *Muhammad v. Klotz*, 36 F.Supp.2d 240 (E.D. Pa. 1999)

275:172 Prison officials denied summary judgment in lawsuit by Muslim prisoner without canteen privileges requesting that his regular meals be replaced, on fast days, with food that he could store and eat before and after the times when his religion required him not to eat; defendants amply justified refusal of canteen privileges, but plaintiff inmate was not seeking any change regarding canteen purchases. *Denson v. Marshall*, 44 F.Supp.2d 400 (D. Mass. 1999). 265:6

266:25 Prohibition on Muslim prisoners' "group demonstrative prayer" in prison recreation yard was rationally related to legitimate security interests. *Sledge v. Cummings*, 995 F.Supp.2d 1276 (D. Kan. 1998).

268:59 Officer liable for \$2,000 in compensatory damages and \$5,000 in punitive damages for shoving Muslim prisoner to prevent him from engaging in quiet evening prayers during "quiet time"; prison rule did not prohibit quiet prayer that did not disturb others. *Arroyo Lopez v. Nuttall*, 25 F.Supp.2d 407 (S.D.N.Y. 1998).

259:107 Correctional officer's Christian proselytizing activities did not violate the Free Exercise or Establishment of Religion Clauses of the First Amendment; Muslim prisoner's right to practice his religion was not substantially burdened; federal appeals court also rules that First Amendment claims are not impacted by provision of Prison Litigation Reform Act barring claims for mental and emotional injury without physical injury. *Canell v. Lightner*, 1998 U.S. App. Lexis 9281 (9th Cir.)

255:43 Prison's failure to provide "separatist fundamentalist" religious leader to prisoner, to allow him to take Bible to prison yard, to attend services on Sunday instead of Friday while in protective custody, or to possess more than 25 religious books in his cell at a time did not "substantially burden" prisoner's right to religious freedom. *Weir v. Nix*, 114 F.3d 817 (8th Cir. 1997).

255:44 Prisoner did not show that officers "conspired" against him because he is "Muslim, black, and a 'litigator'" when none of them made disparaging comments about his religion or race, and he had not previously filed any lawsuits or grievances against them. *Hameed v. Pundt*, 964 F.Supp. 836 (S.D.N.Y. 1997).

259:101 Prison officials did not violate Muslim prisoner's free speech or religious freedom rights by denying him receipt of entire issues of "Muhammad Speaks" magazine which were determined to create a danger of violence "by advocating racial, religious, or national hatred"; prisoner's suggestion that offending articles instead be cut out was not reasonable alternative in light of cost to implement. *Shabazz v. Parsons*, 127 F.3d 1246 (10th Cir. 1997)

263:170 Muslim prisoner's claims that Christian group received preferential treatment was not borne out by facts; court also rules that Christian chaplain, who was not employed by the prison, was not a "state actor" who could be sued under federal civil rights law. *McGlothlin v. Murray*, 993 F.Supp. 389 (W.D. Va. 1997)

[N/R] Prison officials did not violate Muslim prisoners right to equal protection by requiring them to sign an attendance sheet at services or by failing to give them 10-15 minutes notice prior to services. *Freeman v. Arpaio*, 125 F.3d 732 (9th Cir. 1997).

241:11 Federal appeals court upholds prison's denial of Moorish prisoner's request to hold banquet in honor of the founder of his religion, remands for further proceedings Muslim prisoner's claim that conditions under which Muslims were allowed to celebrate Ramadan violated the Religious Freedom Restoration Act. *Mack v. O'Leary*, 80 F.3d 1175 (7th Cir. 1996).

244:59 Officer's brief squeezing of inmate's testicles during pat search following end of prison kitchen work shift was not an unreasonable search, cruel and unusual punishment, or a violation of the inmate's religious rights as a Muslim. *Hill v. Blum*, 916 F.Supp. 470 (E.D. Pa. 1996).

245:76 Prison officials were entitled to qualified immunity from claim that having female guards present during strip search of male Muslim prisoner, and other incidents in which female guards observed male prisoner naked, violated First Amendment right to religious freedom. *Canedy v. Boardman*, 91 F.3d 30 (7th Cir. 1996).

246:90 Florida rule allowing prison officials to delete objectionable portions of religious literature that would pose a threat to prison security, while allowing in the remainder of the text, did not violate the Religious Freedom Restoration Act or the First Amendment. *Lawson v. Singletary*, 85 F.3d 502 (11th Cir. 1996).

248:124 Trial court erred in ruling that Religious Freedom Restoration Act did not apply when prisoners did not cite it in their complaint; federal appeals court orders further proceedings on Sunni Muslim prisoners' claim that prison violated their right to religious freedom by holding only one Muslim worship service for five Muslim sects whose doctrines allegedly differed. *Small v. Lehman*, 98 F.3d 762 (3rd Cir. 1996).

248:125 Jehovah's Witnesses prisoners had to be allowed to meet on the same terms as Muslim prisoners, including meetings of fewer than fifteen people and meetings without an outside religious leader when none was available; federal court notes that each religion must be treated alike when similarly situated; plaintiff prisoner awarded right to not work for ten days and be credited for good time as though he had, as compensation for problems with religious meetings. *Hyde v. Texas Dept. of Criminal Justice*, 948 F.Supp. 625 (S.D. Tex. 1996).

250:147 U.S. Supreme Court rules that Congress exceeded its constitutional authority under the Fourteenth Amendment in passing the Religious Freedom Restoration Act; rules and laws of general applicability, including jail and prison rules and regulations, no longer need to be justified by a compelling state interest or use the least restrictive means when they allegedly impose a substantial burden on the exercise of religion. *Boerne, City of, v. Flores*, 117 S.Ct. 2157, 1997 U.S. Lexis 4035 (June 25, 1997).

230:25 Seizure and loss or destruction of prisoner's Koran, Islamic prayer shawl, and other religious items did not violate his right to exercise his religion; prison had valid regulation allowing only prisoners who designated themselves a member of a religious group to possess such items, and prisoner did not do so. *Caffey v. Johnson*, 883 F.Supp. 128 (E.D. Tex. 1995). [Cross references: Defenses: Eleventh Amendment.]

232:60 Requiring Muslim prisoners to "register" before being allowed to attend congregational prayer services on Friday afternoons did not violate Religious Freedom Restoration Act. *Woods v. Evatt*, 876 F.Supp. 756 (D. S.C. 1995).

232:61 Update: Federal appeals court rules that Muslim inmate who legally changed his name was entitled to use both his religious and committed names on correspondence; prior ruling by court reached same result without reference to Religious Freedom Restoration Act. *Malik v. Brown*, 65 F.3d 148 (9th Cir. 1995).

233:75 Federal trial court rules that prisoner asserting claim under Religious Freedom Restoration Act must only show that desire for particular practice is motivated by sincere religious belief and substantially burdened by government action, and need not show that practice is compelled or "mandated" by his religion. *Muslim v. Frame*, 897 F.Supp. 215 (E.D. Pa. 1995). »

A number of other courts have concluded that, under the RFRA, the burden on religion is not substantial unless the religious practice or belief at issue is mandated by the plaintiff's religion. See *Werner v. McCotten*, 49 F.3d 1476 (10th Cir. 1995); *Bryant v. Gomez*, 46 F.3d 948 (9th Cir. 1994); *Daytona Rescue Mission v. City of Daytona Beach*, 885 F.Supp. 1554 (M.D. Fla. 1995); *Rust v. Clarke*, 883 F.Supp. 1293 (D. Neb. 1995); *Alameen v. Coughlin*, 892 F.Supp. 440 (E.D.N.Y. 1995); *Weir v. Nix*, 890 F.Supp. 769 (S.D. Iowa 1995). The above court is in a distinct minority, apparently, in ruling otherwise.

235:104 Muslim prisoner had a clearly established right not to handle pork in prison kitchen; kitchen supervisors were not entitled to qualified immunity for ordering prisoner to do so and disciplining him when he refused. *Hayes v. Long*, 72 F.3d 70 (8th Cir. 1995). [Cross-references: Defenses: Qualified (Good-Faith) Immunity].

236:123 Prisoner's right to use his legally adopted religious name on outgoing mail together with his committed name was clearly established in 1990, federal appeals court rules, and prison officials were not entitled to qualified immunity for allegedly punishing him for doing so; notary, however, was entitled to qualified immunity for refusing to notarize document when signature presented did not match prison identification shown. *Malik v. Brown*, 71 F.3d 724 (9th Cir. 1995). [Cross-references: Defenses: Qualified (Good-Faith) Immunity; Mail].

237:139 Absolute prohibition on Muslim inmate wearing a beard violated Religious Freedom Restoration Act when inmate sincerely believed his religion required him to do so, even if there was evidence that the Koran did not require this; complete ban on beards was not "least restrictive means" of satisfying security interests, when warden testified that a 1/4" beard would not be a security problem and were already allowed for medical reasons; defendants entitled to qualified immunity from liability, however. *Lewis v. Scott*, 910 F.Supp. 282 (E.D. Tex. 1995). [Cross-reference: Defenses: Qualified (Good-Faith) Immunity].

239:170 Muslim prisoners' assertion that prison policy preventing them from selecting a religious leader from within their congregation violated a tenet of their religion and also violated their right to equal protection since non-religious inmate groups were able to choose their own leader stated valid claims. *Abdul Jabbar-Al Samad v. Horn*, 913 F.Supp. 373 (E.D. Pa. 1995).

239:171 Denying Muslim inmates the use of chapel restroom to perform ablutions with water prior to Ramadan services did not violate their religious freedom rights, but rather served legitimate security purpose of permitting observation of inmates; inmates failed to show why performing ablutions in cells prior to services was inadequate. *Theus v. Angelone*, 895 F.Supp. 265 (D. Nev. 1995)

217:12 Florida prisoner who sought to change his name because of his conversion to Islam religious faith should not have been denied name change without an evidentiary hearing. *Hoyos v. Singletary*, 639 So.2d 631 (Fla. App. 1994)

217:13 Texas state statute restricting name changes by convicted felons did not violate prisoner's right to free exercise of his Muslim religion, since it was connected to legitimate governmental interests. *Matthews v. Morales*, 23 F.3d 118 (5th Cir. 1994).

222:93 Prohibition on prisoners performing prayer ritual involving physical movement outside of their cells did not violate Muslim prisoners' religious freedom rights under New York state law. *Jackson v. Coughlin*, 612 N.Y.S.2d 89 (A.D. 1994)

223:108 Muslim prisoner's religious freedom rights were not violated when he was taken off of list of fasting inmates allowed night time meal schedule during Muslim holy month of Ramadan; prisoner himself broke daylight fast by eating meal in infirmary cell and did not support claim that his religion had an "injury exception" to fasting requirement. *Brown-El v. Harris*, 26 F.3d 68 (8th Cir. 1994).

225:140 Prison policy requiring inmate with new religious name to also use his "committed" name on all correspondence incoming and outgoing did not violate prisoner's rights. *Fawaad v. Herring*, 874 F.Supp. 350 (N.D. Ala. 1995).

227:172 Michigan appeals court rejects Muslim prisoners' challenge to policy directive prohibiting release from work assignments to attend religious services, other than during state observed holidays. *Abdur-Ra-Oof v. Dept. of Corrections*, 528 N.W.2d 840 (Mich. App. 1995).

Prison did not violate muslim prisoner's religious rights by refusing to provide diet including ritually slaughtered meat despite past practice of providing Jewish inmates with kosher meals; policy of barring outside visitors from inmate religious meetings, while allowing outsiders at self-help group meetings like Alcoholics Anonymous, also did not violate inmates' religious freedoms. *Salaam v. Collins*, 830 F.Supp. 853 (D. Md. 1993).

Prison officials were entitled to qualified immunity from suit for denying Muslim inmates use of prison video equipment to produce a cable public access television program promoting their religious views. *Thompson v. Clarke*, 848 F.Supp. 1452 (D. Neb. 1994).

Muslim inmate who legally changed his name was entitled to use both his religious and committed names on correspondence; prison officials violated his rights if correspondence they refused to process contained both names, federal appeals court holds. *Malik v. Brown*, 16 F.3d 330 (9th Cir. 1994).

Instituting searches and restrictions on Muslim inmates' access to chapel in response to fights in the chapel and discovery of weapons there did not violate Muslim inmates' religious rights. *Aziz v. Moore*, 8 F.3d 13 (8th Cir. 1993).

Rule requiring that prisoners communicate only in English could not constitutionally be applied to punish Muslim prisoner for praying in Arabic; generally stated rule did not give prisoners adequate notice that it would be given the "unexpected and unusual interpretation" of applying to prayers. *Conner v. Sakai*, 994 F.2d 1408 (9th Cir. 1993).

Prison policy prohibiting demonstrative prayers in the exercise yard did not violate religious freedom rights of Muslim inmates under New York state law. *Jackson v. Coughlin*, 595 N.Y.S.2d 631 (Sup. 1993). Rastafarian prisoner had no right, under New York state law, to wear a religious crown or receive a vegetarian diet. *Bunny v. Coughlin*, 593 N.Y.S.2d 354 (A.D. 1993).

Prison's total ban on prayer oil for Muslim inmates was unconstitutional, and prison official was not entitled to qualified immunity from damages; total ban on incense, however, was justified by its possible use to mask the smell of marijuana and its offense to other prisoners. *Munir v. Scott*, 792 F.Supp. 1472 (E.D. Mich. 1992)

Forbidding Muslim inmates to wear religious headgear outside of their cells or religious services did not violate their right to religious freedom. *Muhammad v. Lynaugh*, 966 F.2d 901 (5th Cir. 1992).

Inmates who are members of the Moorish Science Temple were not entitled to have prison hire an Islamic religious advisor belonging to their sect; policy of providing only a single Islamic religious advisor for all sects did not violate constitution. *Blair-Bey v. Nix*, 963 F.2d 162 (8th Cir. 1992).

Inmate's request that prison use his new Islamic name was not based on a sincerely held religious belief, but even if it had been, the prison officials did not violate his First Amendment rights by refusing to exclusively use his new name. *Thacker v. Dixon*, 784 F.Supp. 286 (E.D.N.C. 1991).

Prison officials' requirement that Muslim prisoner remove his religious headgear in dining room and in disciplinary proceedings did not violate his constitutional rights, even if his religious belief was that he had to wear it at all times. *Aqeel v. Seiter*, 781 F.Supp. 517 (S.D. Ohio 1991).

Prison's decision to conduct Muslim religious services on Friday evenings rather than Friday afternoon, did not violate Muslim inmate's constitutional right to exercise his religion. *Johnson v. Bruce*, 771 F.Supp. 327 (D. Kan. 1991).

Failure to pay for full-time "imam" to serve Muslim inmates did not violate their religious rights; provision of pay for four hours of service each week, plus provision of religious diet and allowing volunteers to provide additional services showed reasonable religious opportunities were provided. *Al-Alamin v. Gramley*, 926 F.2d 680 (7th Cir. 1991).

Prison policy prohibiting nation of Islam from holding services at prison without outside religious leader did not violate inmate's religious rights. *Hobbs v. Pennell*, 754 F.Supp. 1040 (D. Del. 1991).

Inmates in protective custody who were not permitted private meetings with religious advisors were denied a reasonable opportunity to exercise their religions. *Griffin v. Coughlin*, 743 F.Supp. 1006 (N.D.N.Y. 1990).

Prison's policy of refusing to add prisoner's Muslim name to his clothing and mail delivery list was an unreasonable restraint on religious freedom. *Salaam v. Lockhart*, 905 F.2d 1168 (8th Cir. 1990).

Denying Muslim prisoners right to hold prison-wide services following lockdown and subsequent rearrangement did not violate first amendment. *Ra Chaka v. Franzen*, 727 F.Supp. 454 (N.D. Ill. 1989).

Muslim prisoner was not denied religious freedom due to lack of Muslim services at jail while he was confined there. *Siddiqi v. Leak*, 880 F.2d 904 (7th Cir. 1989).

Missing one meal prepared in accordance with Muslim religious beliefs and unsanitary prayer surroundings, in absence of municipal policy, did not result in liability. *Muhammad v. McMickens*, 708 F.Supp. 607 (S.D.N.Y. 1989).

U.S. appeals court remands case on prisoners' use of Muslim names for determination of whether alternative of A/K/A on mail and prison clothing is reasonable. *Salaam v. Lockhart*, 856 F.2d 1120 (8th Cir. 1988).

Prison officials entitled to qualified immunity for disciplining inmate for group prayer in prison yard. *Shabazz v. Coughlin*, 852 F.2d 697 (2nd Cir. 1988).

Inmate confined to special housing unit as disciplinary measure could be denied right to request attendance at Muslim services. *Aliym v. Miles*, 679 F.Supp. 1 (W.D. N.Y. 1988).

U.S. Supreme court rules inmate working outside can be prevented from returning to prison for church services; appellate court erred in placing the burden on prison officials to disprove the availability of alternative methods of ensuring constitutional protections. *O'Lone v. Estate of Shabazz*, 107 S.Ct. 2400 (1987).

Prisoner who converted to islam did not have clearly established constitutional right to refuse to respond to committed name. *Muhammad v. Wainwright*, 839 F.2d 1422 (11th Cir. 1987).

Prison could not restrict job as prison chaplain to "protestant"; refusal to consider muslim violated Title VII. *Rasul v. District of Columbia*, 680 F.Supp. 436 (D. D.C. 1988).

Requirement that prisoner sign both committed name and legal muslim name when entering library did not violate religious freedom. *Felix v. Rolan*, 833 F.2d 517 (5th Cir. 1987).

Prison may ban religious worship by group advocating violent racism, but may not bar literature advocating "racial purity." *McCabe v. Arave*, No. 86-3640, (9th Cir. 1987), 87 Daily Journal Daily Appellate Report 6186 (Sept. 15, 1987).

Policy allowing female guards access to areas where they could view nude male inmates might violate inmates religious freedom. *Kent v. Johnson*, 41 CrL 2204 (6th Cir. 1987).

Denial of request that all sunni moslem inmates be allowed to shower before services did not violate rights. *Abdullah v. Coughlin*, 515 N.Y.S.2d 881 (A.D. 1987).

Court prevents religious group of inmates from wearing identifying emblems because of their street gang involvement; no right to separate church services. *Faheem-El v. Lane*, 657 F.Supp. 638 (C.D. Ill. 1986).

Dietary and work provisions arranged for Muslims. *Al Shakir v. Carlson*, 605 F.Supp. 374 (M.D. Pa. 1984).

Claim for denial of religious literature to proceed. *Wiggins v. Sargent*, 753 F.2d 663 (8th Cir. 1985).

Rights between prison and inmates discussed when Moslems change their names. *Azeez v. Fairman*, 604 F.Supp. 357 (C.D. Ill. 1985).

Court upholds four-bag rule; no violation in not recognizing use of Muslim names. *Salahuddin v. Coughlin*, 591 F.Supp. 353 (N.D.N.Y. 1984).

Court had no authority to order officials no make prayer provisions for Muslims. *Sapp v. Jones*, 481 N.Y.S.2d 514 (A.D. 3 Dept. 1984).

Temporary suspension of religious services upheld for security reasons. *Thomas v. Norris*, 596 F.Supp. 422 (E.D. Ark. 1984).

Muslim prisoners may have right to shower before religious services. *Abdullah v. Coughlin*, 474 N.Y.S.2d 844 (App. 1984).

Prison officials improperly denied special diet for religious inmate subsequently needing medical furlough to determine condition of his health. *Prushinowski v. Hambrick*, 570 F.Supp. 863 (E.D. N.C. 1983)

Court denies inmate's claim to practice religion found to be a "sham". *Jacques v. Hilton*, 569 F.Supp. 730 (D. N.J. 1983).

Moslem inmates allowed to remain in their cells to pray during recreation period. *Abdullah v. Smith*, 465 N.Y.S.2d 81 (App. 1983).

Moslem inmates must leave recreation yard and return to their cells to pray. *Bowe v. Smith*, 465 N.Y.S.2d 391 (App. 1983).

Different treatment between Moslems and Christians does not violate equal protection. *Thompson v. Comm. of Ky.*, 712 F.2d 1078 (6th Cir. 1983).

Inmate sues seeking injunctive relief from shaving for religious and medical reasons. *Moore v. State of Florida*, 703 F.2d 516 (11th Cir. 1983).

Appeals court rules that suit by inmate which he claimed that hair grooming standards infringed his religious freedom was not frivolous. *Dreibelbis v. Marks*, 675 F.2d 579 (3rd Cir. 1982).

Federal court upholds North Carolina prison regulations concerning the ordering of prayer rugs by muslim inmates; requirements do not violate inmate's exercise of freedom of religion. *Vaughn v. Garrison*, 534 F.Supp. 90 (E.D. N.C. 1981).

Rules prohibiting inmates from wearing hats and attending religious services while in segregation upheld on appeal. *St. Claire v. Cuyler*, 634 F.2d 109 (3rd Cir. 1980); 482 F.Supp. 257 (E.D. Pa. 1979).

Punishment of inmate for refusal to handle pork violates First Amendment; 9 1/2 month stay in segregation held not disproportionately long. *Chapman v. Pickett*, 419 F.Supp. 967 (C.D. Ill. 1980).

Prison's policy of requiring Muslim inmates to use non- Muslim commitment names violates First Amendment; exception made for records-keeping. *Masjid Muhammad - D.C.C. v. Keye*, 479 F.Supp. 1311 (D. Del. 1979).