



and using traditional religious items, including a prayer rug and prayer cloth.<sup>1</sup> However, in the years that they have been held at the HSC, Plaintiffs and other Muslims have *never* been allowed to pray together; they have little access to an imam; and RIDOC has taken numerous steps that interfere with and substantially burden their observance of Ramadan. The denial of Plaintiffs' right to free exercise is especially glaring in light of the fact that Catholic and Protestant prisoners held in the HSC are allowed to hold weekly religious services and meet regularly with clergy of their faith.

With the start of Ramadan fast approaching on February 28, 2025, Plaintiffs request immediate action by the Court to protect their right to the free exercise of religion. As discussed below, Plaintiffs can satisfy each of the requirements for a temporary restraining order and a preliminary injunction. First, Plaintiffs can demonstrate a substantial likelihood of success on the merits because the substantial burdens imposed by RIDOC on Plaintiffs' exercise of religion violate the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc-1, and Defendants cannot show that these burdens are narrowly tailored to achieve a compelling interest. Second, Plaintiffs will endure irreparable harm if immediate relief is withheld because infringement on the free exercise of religion undoubtedly imposes irreparable harm. Third, the balance of hardships overwhelming favors issuance of interim injunctive relief because the irreparable harm to Plaintiffs from being unable to practice their religion far outweighs any hardship on Defendants from allowing Plaintiffs to do so. Fourth, the public interest strongly favors issuance of immediate interim relief because it is well-established that

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<sup>1</sup> During the preparation of these filings, Plaintiff Brockman was apparently transferred from the ACI. His current location is unknown. He has previously been transferred and returned to the ACI. In light of his current absence, interim relief is sought for the three Plaintiffs who remain incarcerated at the HSC.

the protection of religions practice is in the public interest, which is why Congress enacted RLUIPA.

### **FACTUAL BACKGROUND**

Plaintiffs Diamond Wilson, Karlton Brockman, Nathan Cooper, and Lorenzo Hicks are practicing Muslims who are incarcerated by Defendant RIDOC at the High Security Center (“HSC”). Plaintiff Wilson has been incarcerated at the HSC since August 2023; Plaintiff Brockman has been incarcerated at the HSC since 2021; Plaintiff Cooper has been incarcerated at the HSC since September 2023; and Plaintiff Hicks has been incarcerated at the HSC since approximately 2020. Verified Complaint ¶¶ 7-11.

#### **A. Plaintiffs’ Sincere Religious Beliefs**

As set out in the Verified Complaint, each of the Plaintiffs has been a practicing Muslim for years. Verified Complaint ¶¶ 18-22. Each became Muslim in the traditional manner by reciting the *shahada*, in which an adherent states a declaration of faith in front of at least two Muslim witnesses: “There is no god but Allah, and Muhammad is the Messenger of Allah.” *Id.* ¶ 20. Defendants have recognized that the Plaintiffs are Muslim, as demonstrated by the fact that RIDOC identifies each Plaintiff as Muslim in INFACETS, RIDOC’s inmate database. *Id.* ¶ 19.

Plaintiffs belong to the Sunni sect of Islam and, consistent with Sunni traditions, they seek to follow the five tenets of Islam: *Shahada*, a declaration of faith in Allah and his messenger Muhammad; *Salah*, the ritual prayer required of every Muslim five times a day; *Zakat*, the act of giving a portion of one’s wealth to those in need; *Sawm*, the act of fasting during the holy month of Ramadan; and *Hajj*, the pilgrimage to Mecca required of every Muslim at least once in their lifetime if it is within their means. *Id.* ¶ 23.

As practicing Muslims, Plaintiffs seek to follow the requirements of Islam, including by

observing the fast of Ramadan, engaging in weekly communal prayer, meeting regularly with an imam, and obtaining and using traditional religious items, including a prayer rug and prayer cloth. *Id.* ¶ 24. Each of the practices that Plaintiffs seek to observe is recognized as a traditional Muslim religious exercise. *Id.* ¶ 25; *see, e.g.*, Exhibit 1, Bureau of Prisons, *Islam Manual* pp. 2-5, 14-15 (2017). As discussed below and supported by the allegations of the Verified Complaint, however, RIDOC substantially interferes with Plaintiffs' ability to engage in each of these practices and thereby imposes a substantial burden on Plaintiffs' exercise of religion.

## **B. RIDOC's Substantial Interference with Plaintiffs' Exercise of Religion**

### **1. Interference with Observance of Ramadan**

Ramadan, the ninth month of the Muslim calendar, is considered a holy time because it is the month in which the prophet Muhammad received his initial revelation and made his journey from Mecca to Medina, and it is the month when the Qu'ran was sent as a guide for mankind. Verified Complaint ¶ 27; Exhibit 1, Bureau of Prisons, *Islam Manual* p.14. During Ramadan, Muslims are required to fast from dawn until sunset. Verified Complaint ¶ 28. The purpose of the fast is to encourage discipline, foster empathy for the less fortunate, purify the soul, and strengthen practitioners' connection to Allah through heightened spirituality and devotion. *Id.*

During last year's observance of Ramadan, RIDOC staff took several actions that substantially interfered with Plaintiffs' observance of Ramadan:

*a. RIDOC provided Plaintiffs inadequate nutrition during Ramadan. Id.* ¶ 31. Although observing Ramadan requires Muslims to refrain from eating during daylight hours, Ramadan observance does not involve a reduction in the amount of food that Muslims eat each day. Officials at other prisons routinely accommodate observance of Ramadan by giving Muslims meals that, in total, provide the same daily calories and nutritional value given to other

prisoners. *Id.* ¶ 31(b). For example, the Federal Bureau of Prisons requires that a bagged meal be provided to Muslims fasting during Ramadan that are equivalent in nutritional value to the daytime meal they miss. *Id.*; see Exhibit 2, Federal Bureau of Prisons, *Chaplaincy Services Guidance for the Recognition of Holy Days Calling for Work Proscription, Public Fast and Observance* p.6 (Sept. 1, 2015).

In contrast, in 2024 RIDOC gave Plaintiffs two meals each day during Ramadan and provided no food to make up for the lunch they missed. Verified Complaint ¶ 31(a). In doing so, RIDOC required that Plaintiffs reduce their daily caloric intake by approximately one-third each day as the price for observing Ramadan. *Id.* ¶ 31(c). Due to the nutritional inadequacy, Plaintiffs experienced exacerbated hunger during Ramadan, which increased pressure to break the fast early in violation of their faith. *Id.* ¶ 33(g).

*b. The times that RIDOC served meals to Plaintiffs required them to fast up to four hours longer each day than is religiously required.* Because Muslims observing Ramadan cannot eat during daylight hours, they eat a pre-dawn meal called *suhoor* that must be finished before daylight, and they break the fast each day by eating a meal after sunset called *iftar*. *Id.* ¶ 32(b). Other prisons have adjusted the times that meals are served to Muslims to accommodate Ramadan and to make it possible for Muslim inmates to observe the fast. *See, e.g., Childs v. Webster*, No. 22-CV-256-JDP, 2024 WL 1619345, at \*4 (W.D. Wis. Apr. 15, 2024) (“As part of preparations for Ramadan in 2023 . . . defendant Webster distributed a memo to SCI staff explaining the timing of Ramadan meal bags in relation to the Fajr and Maghrib prayer times and directing staff to use a prayer schedule that she had downloaded to an internal computer network drive.”); *Boyd v. Lehman*, No. C05-0020-JLR, 2006 WL 1442201, at \*9 (W.D. Wash. May 19, 2006) (after prison officials learned that “arrangements made for the evening meal were not

acceptable” because they were serving the evening meal to Muslim inmates too early, prison officials “worked to find a solution”).

In contrast, the times that RIDOC staff chose to serve meals to Plaintiffs made it much more difficult for them to observe the fast. Corrections officers brought Plaintiffs the morning meal between 2:00 a.m. to 3:00 a.m., several hours early. Verified Complaint ¶ 32(c). If Plaintiffs did not eat the food right away, the corrections officers would confiscate the uneaten meals. *Id.* As a result, in 2024, Plaintiffs were required each day of Ramadan to start fasting several hours earlier than is required by Islam. *Id.* In addition, corrections officers often served Plaintiffs their evening meals an hour after sunset, further extending the duration of the fast by an additional hour. *Id.* ¶ 32(d).

After complaints were made that Muslims were prevented from breaking the fast at sunset, Defendants began giving each Plaintiff and other Muslims in HSC one date apiece so that they could symbolically break the fast at the designated time for *iftar* each day. *Id.* ¶ 32(e). But Plaintiffs and other HSC Muslims continued to receive the evening meal up to an hour after sunset. Although giving Plaintiffs a date allowed them to break the fast at the designated time, it did not change the fact that Defendants’ practice of giving them the evening meal an hour or more after sunset required them to go hungry for an extra hour longer than Islam requires. *Id.*

Because RIDOC staff served the pre-dawn meal several hours before daybreak and the post-sunset meal an hour late, Plaintiffs were required to fast up to four hours longer each day than Islam requires. *Id.* ¶ 32(f). In addition to the failure to provide a third meal, these practices made Plaintiffs’ fasts much harder each day and made them go hungry for much longer than they needed to. *Id.* ¶ 32(g). These are substantial burdens on Plaintiffs’ observance of Ramadan.

*c. RIDOC did not allow Plaintiffs to hold any communal prayers during*

*Ramadan*. The *iftar* meal breaking the daily Ramadan fast is traditionally eaten as part of a community gathering, which takes place after the *maghrib* prayer that is said at sunset. *Id.* ¶ 33. While many other prison systems allow Muslims to gather together to pray and break the fast, RIDOC *never* allows Muslims in HSC to pray together and break the fast together. *Id.* ¶ 33(b). RIDOC not only failed to allow Muslims to break the fast together, it punished Plaintiffs for trying to do so. *Id.* ¶ 33(c). On March 12, 2024, a group of Muslims were in the gym together when it was time to break the fast. Plaintiff Wilson had no food, and Plaintiff Brockman gave him a mint so he could break the fast. A corrections officer then filed disciplinary charges, and each received twenty days of disciplinary confinement. *Id.*; *see also* Exhibit 3, Disciplinary Booking (Mar. 12, 2024).

**2. RIDOC Does Not Allow Plaintiffs And Other Muslims Held in the High Security Center to Participate in *Any* Communal Prayer Services**

It is not only during Ramadan that RIDOC prevents Muslims in HSC from praying together. As observant Muslims, Plaintiffs desire to participate in weekly communal prayer services. Verified Complaint ¶ 36. The weekly prayer service, called *jumu'ah*, occurs every Friday, and it is a central part of Muslim religious practice. *Id.* ¶ 37. In the years that Plaintiffs have been assigned to the HSC, RIDOC has *never* allowed Muslims to hold *any* communal prayer services. *Id.* ¶ 39. When Muslims have even attempted to congregate in the yard to hold prayers, corrections officers have ordered them to stop or face punishment. *Id.* ¶ 41. As a result, Plaintiffs have not been allowed to pray with each other or other Muslims for years.

The complete denial of opportunities for communal prayer for Muslims held in the HSC is especially glaring because Protestants and Catholics held in the same facility are allowed to hold weekly religious services. *Id.* ¶ 42. But Muslims are never allowed to pray together.

### 3. Plaintiffs Are Rarely Allowed to Meet with an Imam

Regular access to an imam, a Muslim spiritual adviser, is an important part of Plaintiffs' religious practice. Verified Complaint ¶ 44. RIDOC has contracted with an imam, who serves as the institutional chaplain for Muslim prisoners. *Id.* ¶ 45; *see* Exhibit 4, Religious Programs and Services, 240-RICR-10-00-2 § 2.4(H) (explaining that institutional chaplains are “contract employees of the Department of Corrections”). The imam visits the HSC sporadically, and Plaintiffs have repeatedly asked to meet with him, but they have rarely been allowed to meet with the imam. *Id.* ¶¶ 46-51.

At the HSC, Muslim prisoners' access to the imam varies by cell block. Prisoners held in B-Mod have been allowed to see the imam infrequently, while Muslims held in E-Mod and F-Mod have no access to the imam at all. *Id.* ¶ 46. Plaintiff Wilson has seen an imam only once since his arrival at the HSC in August 2023, and he only saw the imam in passing and was not able to meet with him. *Id.* ¶ 48. Plaintiff Brockman has seen the imam at most twice while he was held in B-Mod, but has not seen him at all when he was held in other units. *Id.* ¶ 49. Plaintiff Cooper has likewise rarely seen the imam, and that was only when he was housed in A- and B-mods. *Id.* ¶ 50. Plaintiff Hicks has seen the imam only one time since he has been held at the HSC. *Id.* ¶ 51.

The denial of access to Plaintiffs contrasts sharply with the access provided to Catholic and Protestant prisoners housed in the same units as Plaintiffs, who have regular weekly access to their spiritual advisers. *Id.* ¶ 55.

### 4. RIDOC Does Not Allow Plaintiffs to Obtain Muslim Religious Items, Including a Prayer Rug and Prayer Cloth

A prayer rug is recognized as a traditional item necessary for Muslim religious practice. *See* Exhibit 1, *Islam Manual* at 14. However, Plaintiffs Hicks and Wilson have not been allowed

to obtain prayer rugs. *Id.* ¶ 60. The prison commissary does not stock these items, and Plaintiffs cannot order them. *Id.* ¶ 59. Instead, RIDOC allows prisoners to obtain these items only through the imam, but Plaintiffs have been unable to do so because they have little access to the imam. *Id.* ¶ 60.

Plaintiffs have also sought to acquire traditional Muslim prayer garments, referred to as *thawbs* or *abayas*, which symbolize respect and modesty. *Id.* ¶ 61. Despite multiple requests, Plaintiffs have been repeatedly denied the ability to obtain religious garments. *Id.* ¶ 62. Other prisons allow inmates to possess *thawbs*, even in restrictive housing. See Exhibit 5, Wisconsin Department of Corrections, *Religious Property Chart* at p.7 (June 16, 2023); Exhibit 6, Washington Department of Corrections, *Allowable Individual Religious Items* at p.3 (Feb. 2014).

## LEGAL STANDARDS

1. *Temporary restraining order and preliminary injunction.* The standards for issuing a temporary restraining order and a preliminary injunction are identical, *New York v. Trump*, No. 25-CV-39-JJM-PAS, 2025 WL 357368, at \*1 (D.R.I. Jan. 31, 2025), and require the plaintiff to demonstrate “(1) a substantial likelihood of success on the merits, (2) a significant risk of irreparable harm if the injunction is withheld, (3) a favorable balance of hardships, and (4) a fit (or lack of friction) between the injunction and the public interest.” *Nieves-Marquez v. Puerto Rico*, 353 F.3d 108, 120 (1st Cir. 2003).

2. *RLUIPA.* RLUIPA provides:

No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 1997 of this title, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person—(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.

42 U.S.C.A. § 2000cc-1. A claim under RLUIPA involves four elements, with the following burdens of proof:

On the first two elements, (1) that an institutionalized person’s religious exercise has been burdened and (2) that the burden is substantial, the plaintiff bears the burden of proof. . . . Once a plaintiff has established that his religious exercise has been substantially burdened, the onus shifts to the government to show (3) that the burden furthers a compelling governmental interest and (4) that the burden is the least restrictive means of achieving that compelling interest.

*Spratt v. Rhode Island Dep’t of Corr.*, 482 F.3d 33, 38 (1st Cir. 2007).

### **SUMMARY OF ARGUMENT**

Although a “preliminary injunction is an extraordinary remedy never awarded as of right,” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008), Plaintiffs have amply satisfied its requirements. Plaintiffs can establish each of the elements necessary for granting a temporary restraining order and preliminary injunction:

*First*, they are substantially likely to succeed on their RLUIPA claim. As Plaintiffs can show, Defendants impose substantial burdens on Plaintiffs’ free exercise by restricting their ability to observe Ramadan, participate in communal prayer, meet with an imam, and obtain needed religious items. Defendants cannot satisfy their burden of showing that these restrictions on are the least restrictive means to achieve a compelling government interest.

*Second*, the Supreme Court has long held that an infringement on free exercise constitutes “irreparable harm” that justifies injunctive relief, *see Elrod v. Burns*, 476 U.S. 347, 373 (1976). That principle applies with equal force in cases brought under RLUIPA. *See Opulent Life Church v. City of Holly Springs, Miss.*, 697 F.3d 279, 295 (5th Cir. 2012).

*Third*, the balance of hardships strongly favors a preliminary injunction because the plaintiffs face irreparable harm if no preliminary relief is granted, while allowing them to practice their religion will impose little hardship on Defendants.

*Fourth*, the enactment of RLUIPA conclusively demonstrates Congress’s judgment that the public interest favors protection for the free exercise rights of incarcerated persons, and those rights can only be protected through injunctive relief.

### **ARGUMENT**

#### **I. PLAINTIFFS ARE SUBSTANTIALLY LIKELY TO SUCCEED ON THEIR RLUIPA CLAIMS**

To prevail under RLUIPA, Plaintiffs must demonstrate (1) that they sincerely seek to engage in a “religious exercise” but (2) Defendants have imposed a “substantial burden” on their ability to engage in that exercise. If Plaintiffs succeed in establishing those elements, the burden of proof shifts to Defendants to demonstrate that the burdens imposed on Plaintiff’s religious exercise (3) serve a “compelling governmental interest” and (4) the burdens are the “least restrictive means” to achieve that interest. *Spratt v. Rhode Island Dep’t of Corr.*, 482 F.3d 33, 38 (1st Cir. 2007).

As discussed below, Plaintiffs can readily satisfy the two elements of their burden under RLUIPA, but Defendants cannot satisfy their burden.

#### **A. Plaintiffs Are Practicing Muslims Who Sincerely Desire to Engage in Traditional Islamic Religious Exercises**

RLUIPA plaintiffs bear the burden of establishing that they have a sincere desire to engage in a “religious exercise,” which is defined as “any exercise of religion, whether or not compelled by, or central to a system of religious belief.” 42 U.S.C. § 2000cc–5(7)(A). Plaintiffs can readily satisfy that burden because, as observant Muslims, they sincerely seek to observe traditional Islamic religious exercises.

As set out in the Verified Complaint, each of the Plaintiffs has been an observant Muslim for years. Verified Complaint ¶¶ 18-23. As practicing Muslims, Plaintiffs would like to engage in traditional Muslim religious practices, which include (a) observing Ramadan, (b) engaging in weekly communal prayer, (c) meeting regularly with an imam, and (d) obtaining traditional religious items, including a prayer rug and prayer cloth. *Id.* ¶ 24. Each of these practices is recognized as a traditional Muslim religious exercise. See Exhibit 1, Bureau of Prisons, *Islam Manual* pp. 2-5, 14-15.

**B. Defendants Impose Substantial Burdens on Plaintiffs’ Ability to Observe Ramadan, But Defendants Cannot Justify These Burdens Under RLUIPA’s Compelling Interest Test**

Defendants have imposed numerous burdens on Plaintiffs’ ability to observe Ramadan. Defendants cannot show that imposing any of these burdens is necessary to achieve a compelling interest.

**1. RIDOC Provides Plaintiffs and Other Muslims Observing Ramadan A Diet with Significantly Reduced Calories**

During Ramadan, Defendants give Plaintiffs two meals a day, a pre-dawn meal and an evening meal, but Defendants did not give them any food to make up for the lunch that they missed. Verified Complaint ¶ 31(c). As a result, Defendants provide Plaintiffs roughly one-third fewer calories per day than they provide other inmates. *Id.* By providing Muslim inmates roughly one-third fewer calories during Ramadan, they fail to provide sufficient nutrition to Plaintiffs and make observance of Ramadan significantly more difficult. *Id.*

As the First Circuit has recognized, a substantial burden exists when government action “put[s] substantial pressure on an adherent to modify his behavior and to violate his beliefs.” *Spratt*, 482 F.3d at 38 (quoting *Thomas v. Review Bd.*, 450 U.S. 707, 718 (1981)). There can be little question that by significantly reducing Plaintiffs’ caloric intake for the month of Ramadan,

RIDOC puts pressure on Plaintiffs to forego Ramadan in violation of their religion.

It is also well-established that under the Eighth Amendment “prison administrators must provide an adequate diet without violating the inmate's religious dietary restrictions.” *Colvin v. Caruso*, 605 F.3d 282, 290 (6th Cir. 2010). Pursuant to these requirements, courts have uniformly concluded that it violates RLUIPA for prison officials to provide Muslim inmates a diet during Ramadan that significantly reduces their caloric intake. *See, e.g., Welch v. Spaulding*, 627 F. App'x 479, 483 (6th Cir. 2015). As these courts recognize, significantly reducing the amount of calories provided to Muslims during Ramadan imposes a substantial burden on the free exercise of religion by diminishing Muslims’ religious experience, by distracting them from prayer, reading the Quran, and other religious obligations, and in doing so put pressure on them to give up their religious exercise. *Id.*; *Mustin v. Wainwright*, No. 23-3671, 2024 WL 3950810, at \*5 (6th Cir. Aug. 27, 2024); *Hall v. Sutton*, No. 11-CV-446-JPG, 2012 WL 407244, at \*4 (S.D. Ill. Feb. 8, 2012); *Lovelace v. Bassett*, No. 7:07CV00506, 2008 WL 4452638, at \*3 (W.D. Va. Sept. 27, 2008); *Hudson-Bey v. Martin*, No. 1:00-CV-389, 2001 U.S. Dist. LEXIS 15993 (W.D. Mich. Sept. 27, 2001).

Defendants have no compelling justification for providing Plaintiffs fewer calories during Ramadan than they provide other inmates. While it may be administratively inconvenient to provide Plaintiffs with the same nutrition in two meal times that they provide to non-Muslims over three meals, avoiding administrative inconvenience is not a compelling interest. *Cf. Frontiero v. Richardson*, 411 U.S. 677, 690 (1973) (“[W]hen we enter the realm of ‘strict judicial scrutiny’ there can be no doubt that ‘administrative convenience’ is no shibboleth, the mere recitation of which dictates constitutionality.”) There clearly is no necessity for RIDOC to reduce Plaintiffs’ caloric intake during Ramadan, as many other prisons avoid imposing this

burden by providing Muslims an additional meal either in the morning or in the evening to make up for the meal they missed at lunch. *See, e.g.,* Exhibit 2, Federal Bureau of Prisons, *Chaplaincy Services Guidance for the Recognition of Holy Days Calling for Work Proscription, Public Fast and Observance* at p.6 (Sept. 1, 2015) (providing that during Ramadan “Food Service will provide a meal nutritionally equivalent to the meal(s) missed”). Other prisons accommodate Ramadan by increasing the size of the two meals provided to Muslims to make the two meals equivalent in nutritional value as the three meals served to other prisoners. *See Mincy v. Deparlos*, 497 F. App’x 234, 237 (3d Cir. 2012) (noting that Pennsylvania prison authorities provide Muslims observing Ramadan “fifty percent larger meal portions for the morning and evening meals in order to compensate for the absence of a daytime meal”).

As one court concluded, prisons have no justification for providing Muslim inmates observing Ramadan with fewer calories per day than are provided to other inmates, and the court stated that it found defendants’ argument “particularly unpersuasive as I fail to comprehend what would prevent prison officials from simply putting more food in each Ramadan lunch bag.” *Hudson-Bey v. Martin*, No. 1:00-CV-389, 2001 U.S. Dist. LEXIS 15993 (W.D. Mich. Sept. 27, 2001); *see also Heard v. Finco*, 2014 WL 1347432 (W.D. Mich. Mar. 31, 2014) (holding that it was clearly established that it violates Muslim’s free exercise right to provide them a significantly reduced diet during Ramadan).

## **2. The Timing of the Meals Given to Plaintiffs During Ramadan Unnecessarily Extends by Several Hours the Duration of the Fast**

As set forth in the Verified Complaint, Defendants served the pre-dawn meal to Plaintiffs between 2:00 and 3:00 a.m. and served the evening meal an hour after sunset. Verified Complaint ¶ 32. As a result, Plaintiffs could only observe Ramadan by fasting for up to four hours longer each day than is religiously required. The timing of the meals provided by RIDOC

made Plaintiffs go hungry each day for many additional hours longer than was necessary to comply with their religious obligation. Unnecessarily extending the duration of Plaintiffs' fast amounts to a substantial burden on Plaintiffs' exercise of religion because it "put substantial pressure on [each Plaintiff] to modify his behavior and to violate his beliefs." *Spratt*, 482 F.3d at 38.

To be sure, it might not amount to a substantial burden if prison officials provided a single Ramadan meal at an incorrect time. See *Watkins v. Simon*, No. 1:19-CV-838, 2019 WL 5704021, at \*4 (W.D. Mich. Nov. 5, 2019). Nor would it violate RLUIPA if there were a short delay in breaking the fast that had no effect on Plaintiffs' ability to observe the fast. See, e.g., *Williams v. Boughton*, No. 18-CV-934-JDP, 2020 WL 4464509, at \*7 (W.D. Wis. Aug. 4, 2020) (finding no violation from the timing of Ramadan meals because the plaintiff "hasn't produced evidence that he went hungry as a result of the delayed deliveries"). But requiring Plaintiffs to extend their fast up to *four hours every day* for the entire month of Ramadan makes it much harder to observe the fast and imposes a substantial burden on their ability to observe Ramadan.

Defendants have no compelling interest in making the Ramadan fast substantially longer each day or in making it harder for Plaintiffs to observe Ramadan. While it may pose a mild administrative inconvenience for prison officials to provide meals close to the recognized times for *suhoor* and *iftar*, avoiding this inconvenience hardly amounts to a compelling governmental interest. Nor is it necessary to achieve a compelling interest, as other prisons have easily figured out how to handle it. See, e.g., *Childs v. Webster*, No. 22-CV-256-JDP, 2024 WL 1619345, at \*4 (W.D. Wis. Apr. 15, 2024) ("As part of preparations for Ramadan in 2023 (beginning March 23) defendant Webster distributed a memo to SCI staff explaining the timing of Ramadan meal bags in relation to the Fajr and Maghrib prayer times and directing staff to use a prayer schedule that

she had downloaded to an internal computer network drive.”); *Boyd v. Lehman*, No. C05-0020-JLR, 2006 WL 1442201, at \*9 (W.D. Wash. May 19, 2006) (after prison officials learned that “arrangements made for the evening meal were not acceptable” because they were serving the evening meal to Muslim inmates too early, prison officials “worked to find a solution”).

### **3. RIDOC Does Not Allow Plaintiffs to Participate in Communal Observance of Ramadan**

Defendants prohibit Plaintiffs and other Muslims in HSC from holding congregant observances during Ramadan, including reciting the *maghrib* prayer and breaking the fast together. Verified Complaint ¶ 33. This prohibition imposed a substantial burden on Plaintiffs’ free exercise of religion. *See Jackson v. Mitchell*, No. 23-CV-00375-SMY, 2024 WL 1367828 at \*1 (S.D. Ill. Mar. 30, 2024) (“During Ramadan, Muslims engage in congregational prayer” but defendants imposed a substantial burden on plaintiffs by not allowing them to “recite the maghrib together or break the fast together.”); *Henderson v. Muniz*, 196 F. Supp. 3d 1092, 1101 (N.D. Cal. 2016) (denying summary judgment to Defendants on RLUIPA claim that they “prevented Plaintiff from observing the rituals of Iftar which require Plaintiff to break his fast with other Muslims and praying the Magrib and Tarawih prayers with other Muslims”). One court found that there was no violation of RLUIPA when “congregational prayer is offered *each day* of the Ramadan month.” *Scott v. Erdogan*, No. 3:CV-12-2041, 2015 WL 1405445, at \*12 (M.D. Pa. Mar. 25, 2015). While daily congregational prayer may not be required, there simply is no case in which a court has upheld a complete denial of all congregational prayer for Muslims during Ramadan like that imposed on Plaintiffs.

Defendants may perhaps assert that security concerns justify denying the Muslims in the HSC the right to pray together or break the Ramadan fast together. As the First Circuit has made clear, however, that “to prevail [on this argument,] RIDOC must do more than merely assert a

security concern.” *Spratt v. R.I. Dep’t of Corr.*, 482 F.3d 33, 40 (1st Cir.2007); *see also Greene v. Solano Cnty. Jail*, 513 F.3d 982, 989–90 (9th Cir. 2008) (“[I]n light of RLUIPA, no longer can prison officials justify restrictions on religious exercise by simply citing to the need to maintain order and security in a prison.”); *Werner v. McCotter*, 49 F.3d 1476, 1480 (10th Cir. 1995) (“[T]he state must do more than simply offer conclusory statements that a limitation on religious freedom is required for security, health or safety in order to establish that its interests are of the highest order.”).

It simply defies belief that Defendants’ security concerns could justify the complete denial of *all* communal prayer by Plaintiffs. That is especially true when Defendants allow Christian inmates who are housed in the HSC to hold weekly prayer services. Verified Complaint ¶ 78.

**C. Defendants Impose a Substantial Burden on Plaintiffs’ Exercise of Religion by Preventing Them and Other Muslims in HSC from Holding Any Communal Prayers, and Defendants Cannot Justify This Burden Under RLUIPA’s Compelling Interest Test**

As observant Muslims, Plaintiffs desire to participate in weekly communal prayer services, referred to as called *jumu’ah*, which occur every Friday, and which is a central part of Muslim religious practice. Verified Complaint ¶¶ 36-38. However, in the years that Plaintiffs have been assigned to the HSC, Defendants have *never* allowed them to hold *any* communal prayer services. *Id.* ¶ 39. When Muslims have even attempted to congregate in the yard to hold prayers, corrections officers have ordered them to stop or face punishment. *Id.* ¶ 41.

Because Islam requires practitioners to engage in communal prayer every week, there can be no question that Defendants have imposed a substantial burden on Plaintiffs’ free exercise by denying them the opportunity—for years—to engage in any kind of congregational prayer. Every court to examine the issue has held that interfering with Muslims’ opportunity to engage in

weekly communal prayers imposes a substantial burden on the free exercise of religion. *Crawford v. Clarke*, 578 F.3d 39, 44 (1st Cir. 2009); *Lozano v. Collier*, 98 F.4th 614, 622 (5th Cir. 2024). Indeed, the First Circuit held that members of the Nation of Islam demonstrated a substantial burden by the denial of *daily* congregational prayer. *Hudson v. Spencer*, No. 15-2323, 2018 WL 2046094, at \*2 (1st Cir. Jan. 23, 2018).

In contrast, Defendants allow Christian prisoners in the HSC to attend weekly prayer services. It is not plausible that Muslim prisoners pose such a security threat as to support a *complete* prohibition of Muslim communal prayer services, while Christians held in the same facility and who are classified at the same security level are permitted to hold weekly prayer services.

**D. Defendants Impose a Substantial Burden on Plaintiffs’ Exercise of Religion by Denying Them Regular Access to an Imam, and Defendants Cannot Justify This Denial Under RLUIPA’s Compelling Interest Test**

Although regular access to an imam is an important part of Muslim religious practice, Plaintiffs rarely are allowed to meet with an imam. Verified Complaint ¶¶ 43-56. Courts have universally recognized that denial of access to a spiritual counselor constitutes a substantial burden on free exercise. For instance, long before the enactment of RLUIPA, the Supreme Court recognized that it violated a Buddhist prisoner’s right to the free exercise of religion to deny him access to a Buddhist spiritual adviser. *Cruz v. Beto*, 405 U.S. 319, 319 (1972).

In contrast to its actual practice, RIDOC’s official policies recognize that prisoners are entitled to regular access to religious advisers. RIDOC’s policy governing the Restorative Housing Program (“RHP”) provides that chaplains shall make weekly visits to the High Security Center. See Exhibit 7, Restorative Housing Program, 12.28 DOC RHP Conditions of Confinement (IV)(E)(1)(e)(9). The policy further provides that prisoners in “Step 1” are entitled to out-of-cell time so that they could meet with a chaplain, even though Step 1 is the most

restrictive level of the program and prisoners on Step 1 often have lengthy histories of disciplinary infractions. *See also* Exhibit 4, Religious Programs and Services, 240-RICR-10-00-2 § 2.3 (“Inmates are not denied personal contact with accredited representatives of their respective faiths.”).

Defendants cannot justify the denial of Plaintiffs’ access to an imam as the least restrictive means to achieve a compelling interest. Again, the denial of access to Muslims contrasts sharply with the access provided to Christian prisoners housed in the same units as Plaintiffs who have regular weekly access to their spiritual advisers. Verified Complaint ¶ 40.

**E. Defendants Impose Substantial Burdens on Plaintiffs’ Exercise of Religion by Denying Them Access to Needed Religious Items, and Defendants Cannot Justify This Denial Under RLUIPA’s Compelling Interest Test**

Plaintiffs have sought access to prayer rugs, which are recognized as a traditional item necessary for Muslim religious practice. Verified Complaint ¶ 57; Exhibit 1, *Islam Manual* at p. 14; *Hudson v. Dennehy*, 538 F. Supp. 2d 400, 412 (D. Mass. 2008) (explaining that “[t]he purpose of the prayer rug is to ensure that [its user] is not in direct contact with the impurities of the floor when he prays.”). The prison commissary does not stock these items, and prisoners cannot order them. Instead, RIDOC allows Muslims to obtain these items only through the imam, but Plaintiffs Hicks and Wilson have been unable to do so because they have little access to the imam. Verified Complaint ¶¶ 58-60.

Many prison systems, including the Federal Bureau of Prisons and the California Department of Corrections, allow Muslim prisoners to possess prayer rugs. *See* Exhibit 8, Bureau of Prisons, *Transferable Religious Property*; Exhibit 9, California Department of Corrections, *Religious Personal Property Matrix*. Like other state and federal departments of corrections, RIDOC recognizes the importance of prayer rugs and allows Muslim prisoners to possess them. However, because Plaintiffs have only limited access to the imam, they have been

unable to obtain them. No compelling interest justifies these burdens on Plaintiffs' right to free exercise.

## **II. PLAINTIFFS WILL ENDURE IRREPARABLE HARM IF A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION IS WITHHELD**

Unless this Court grants interim injunctive relief—by requiring Defendants to allow Plaintiffs to observe Ramadan, attend weekly communal prayer services, meet regularly with an imam, and obtain needed Muslim religious items—Defendants will continue to prevent Plaintiffs from engaging in religious practices protected by RLUIPA. The infringement on their right to free exercise causes Plaintiffs distress on a daily basis. Verified Complaint ¶ 63.

The Supreme Court has long made clear that an infringement on the free exercise of religion imposes “irreparable harm”: “The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Infringements on free exercise almost invariably inflict “irreparable injury” because they “cannot be adequately remedied through damages.” *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1138 (9th Cir.2009).

In *Harris v. Wall*, 217 F. Supp. 3d 541, 560 (D.R.I. 2016), this Court recognized that the same principle applies under RLUIPA and “the loss of religious freedom caused by a RLUIPA violation—standing alone—is sufficient to show irreparable harm.” *See also Opulent Life Church v. City of Holly Springs, Miss.*, 697 F.3d 279, 295 (5th Cir. 2012) (“This principle applies with equal force to the violation of RLUIPA rights because RLUIPA enforces First Amendment freedoms, and the statute requires courts to construe it broadly to protect religious exercise.”); *Mayweathers v. Newland*, 258 F.3d 930, 938 (9th Cir.2001) (“[I]nmates suffer irreparable injury when they are unable to attend religious services that are commanded by” their religion); *Tenaflly*

*Eruv Ass’n, Inc. v. Borough of Tenafly*, 309 F.3d 144, 178 (3d Cir. 2002) (“Limitations on the free exercise of religion inflict irreparable injury.”).

Accordingly, the ongoing burdens on Plaintiffs’ ability to practice religion cause them irreparable harm that justifies immediate judicial relief.

### **III. THE BALANCE OF HARDSHIPS FAVORS ISSUANCE OF A TEMPORARY RESTRAINING ORDER OR A PRELIMINARY INJUNCTION**

The balance of hardships overwhelmingly favors the issuance of interim injunctive relief. On the one hand, Plaintiffs face irreparable harm from the continuing infringement of their right to the free exercise of religion. On the other hand, a TRO and preliminary injunction would impose little or no hardship on Defendants. Defendants would simply be required to (1) provide Plaintiffs a diet equivalent to what they provide other prisoners, (2) adjust the times they provide meals to Plaintiffs during Ramadan, (3) allow Plaintiffs to attend weekly prayer services, just as they allow other prisoners in HSC to do so, (4) allow Plaintiffs to meet regularly with religious advisers, just as they allow other prisoners in HSC to do so, and (5) allow Plaintiffs to obtain needed religious items, just as they allow other prisoners to do so.

Accordingly, the balance of hardships strongly favors the issuance of a preliminary injunction. *See Harris*, 217 F. Supp. 3d at 560; *Williams v. Little*, No. 1:23-CV-00037, 2023 WL 4144567 at \*11-12 (W.D. Pa. June 23, 2023) (finding that the balance of hardships favors the issuance of a preliminary injunction to allow Muslim inmate to obtain food at his own expense for Eid al-Fitr and Eid al-Adha).

### **IV. THE PUBLIC INTEREST STRONGLY FAVORS ISSUANCE OF A PRELIMINARY INJUNCTION**

In *Harris*, this Court recognized that “the protection of religious practice is an important public interest,” and “the public interest in protecting religious practice predominates.” *Harris*, 217 F. Supp. 3d at 560. More broadly, as the Fifth Circuit has held, “[i]njunctive protecting

First Amendment freedoms are always in the public interest,” a principle that applies equally to RLUIPA. *Opulent Life Church*, 697 F.3d at 298. As courts have held, the enactment of RLUIPA reflects a congressional determination that the public interest strongly favors protections for inmates’ right to practice religion. *Id.*; *see also Ramirez v. Collier*, 142 S. Ct. 1264, 1282 (2022) (“By passing RLUIPA, Congress determined that prisoners . . . have a strong interest in avoiding substantial burdens on their religious exercise, even while confined.”); *Rouser v. White*, 707 F. Supp. 2d 1055, 1071 (E.D. Cal. 2010) (“[A]llowing inmates to practice religion while incarcerated is clearly within the public interest in that Congress specifically passed the RLUIPA to serve such a purpose.”).

Because RLUIPA does not authorize suits for damages, *see Sossamon v. Texas*, 563 U.S. 277 (2011), the strong public interest in protecting free exercise can only be vindicated through injunctive relief.

### CONCLUSION

For the reasons given above, this Court should grant Plaintiffs’ motion for a TEMPORARY RESTRAINING ORDER to urgently address the conditions they face to observe Ramadan, which starts on February 28, 2025. In particular, this Court should issue an order restraining Defendants from:

1. Providing Plaintiffs a diet during Ramdan that is reduced in total calories and nutritional value than the diet Defendants provide to other prisoners;
2. Providing Plaintiffs with morning meals at times that are significantly before dawn or evening meals at times that are significantly after sunset; and
3. Interfering with Plaintiffs’ ability to break the fast and participate in communal prayers with other Muslims.

Plaintiffs further move this Court to issue a PRELIMINARY INJUNCTION:

1. Requiring Defendants to continue the temporary relief described above regarding the observance of Ramadan;
2. Requiring Defendants to provide Plaintiffs weekly opportunities for communal prayer with each other and other Muslims;
3. Requiring Defendants to allow Plaintiffs to meet with the imam at least weekly;
4. Requiring Defendants to allow Plaintiffs to obtain prayer rugs and prayer garments.

Respectfully submitted,

/s/ Jared A. Goldstein

Jared A. Goldstein (Bar No. 10715)  
Kailey Chalmers, Law Student Counsel  
Kaiya Letherer, Law Student Counsel  
Prisoners' Rights Clinic  
Roger Williams University School of Law  
1 Empire Plaza, Ste 435  
Providence, RI 02903  
(401) 276-4880  
Jgoldstein@rwu.edu

/s/ Lynette Labinger

Lynette Labinger (Bar No. 1645)  
128 Dorrance St., Box 710  
Providence, RI 02903  
(401) 465-9565  
ll@labingerlaw.com  
Cooperating counsel, ACLU Foundation of RI

*Counsel for PLAINTIFFS DIAMOND WILSON,  
KARLTON BROCKMAN, NATHAN COOPER, and  
LORENZO HICKS*