

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

**TYLER SMITH, KYLE MOREINO,  
and JOSEPH SHEPARD,**

Plaintiffs

v.

**RHODE ISLAND DEPARTMENT OF  
CORRECTIONS, WAYNE SALISBURY,  
BARRY WEINER, LYNDA AUL, and  
WILLIAM DEVINE,**

Defendants

**C.A. No. 25-cv-272**

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc et seq., Plaintiffs move this Court to issue a Preliminary Injunction requiring Defendants, the Defendants' officers, agents, servants, employees, and attorneys; and other persons who are in active concert or participation who receive actual notice of it by personal service or otherwise:

1. To allow Plaintiffs to participate in Native American ceremonies, including pipe ceremonies, sweat lodge ceremonies, drum circles, smudging ceremonies, and powwows;
2. To allow Plaintiffs to obtain Native American religious items, including medicine bags, feathers and bird parts, and dreamcatchers;
3. To make available a diet consistent with Plaintiffs' religious traditions; and
4. To allow Plaintiffs to obtain religious counsel and guidance.

In support of the motion, Plaintiffs rely upon the allegations contained in their Verified

Complaint, Exhibits filed in support of the within motion and a supporting memorandum of law.

**Notice to counsel for Defendants.** Immediately upon docketing, undersigned counsel will provide a copy of the Verified Complaint, the within Motion, exhibits, and supporting Memorandum of Law, by email to Nicole DiLibero and Brenda Baum, Legal Counsel for the Rhode Island Department of Corrections, and Kathryn Sabatini, Chief of the Civil Division of the Department of Attorney General.

Plaintiffs,  
By Their Attorneys,

/s/ Jared A. Goldstein

Jared A. Goldstein (Bar No. 10715)  
Prisoners' Rights Litigation 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

Dated: June 13, 2025