

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC DOWDY-EL, *et al.*,

No. 2:06-CV-11765

Plaintiffs,

Honorable Avern Cohn

v

Magistrate Judge David R. Grand

PATRICIA CARUSO, *et al.*,

Defendants.

JUDGMENT

WHEREAS the Magistrate Judge having issued a Report and Recommendation dated July 24, 2012 as to the parties' Motions for Summary Judgment and the parties having filed Objections with this Court;

WHEREAS this Court, by Order dated May 24, 2013, and for the reasons stated therein, having adopted the Magistrate's Report and Recommendation as to the issue of the Eid Feasts (as defined below) and having granted Plaintiffs' Motion for Summary Judgment in its entirety as to the issue of the Eid Feasts;

WHEREAS the parties having attended a hearing on July 31, 2013 and having stipulated to the form of this Judgment:

IT IS HEREBY ORDERED AND ADJUDGED:

1. This Judgment applies to the named Defendants in their official capacity and shall be equally binding upon their successors, agents, officials, employees, representatives and assigns, including Daniel H. Heyns, the Director of the Michigan Department of Corrections ("MDOC").

2. The Court declares that Defendants have deprived the Class of their rights under the Religious Land Use and Institutionalized Persons Act, the Free Exercise and Equal Protection Clauses of the U.S. Constitution, and the Free Exercise and Equal Protection Clauses of the Michigan Constitution, to attend, congregate for, observe and celebrate (collectively, “Observe”) the Eid ul-Fitr and Eid ul-Adha feasts (collectively, the “Eid Feasts”).

3. Defendants are ordered as follows:

a. The MDOC shall maintain the Handbook on Religious Groups. The Handbook shall identify religious holy days, including any fasts or feasts, that prisoners shall be permitted to observe consistent with Department policy. This includes but is not limited to Ramadan fasts, Seders, and Eid-UI-Fitr and Eid-UI-Adha feasts. The MDOC shall ensure that the list of holy days, including any fasts or feasts, is posted in the chapel or the room where religious services are conducted.

b. Special provisions for the observance of religious holidays or holy days shall be permitted only as authorized and specifically provided for by Department policy.

c. Prisoners shall be released from work or school assignments to attend group religious services and approved holy day observances so long as the procedures set forth in PD 05.03.150 (eff. 7/26/13)(or the substantial equivalent in a subsequent policy) shall be followed. Observance or request for such observance shall not lead to any punishment or deprivation of any right or benefit (including being placed on “00” status). Any determination to deny a request under PD 05.03.150 (or the substantial equivalent in a subsequent policy) must be based upon a particularized review and finding of a compelling government interest and that prohibiting observance by that inmate is the least restrictive means of enforcing said interest as to that inmate.

4. This Court shall retain jurisdiction over this matter for the purpose of enabling any party to the Judgment to apply to the Court for: (i) such further orders or directions as may be necessary or appropriate for the interpretation or implementation of this Judgment; (ii) for Plaintiffs to apply to this Court for the enforcement of any provision or the punishment of any violation of this Judgment; and (iii) for Plaintiffs' counsel to move for an award of costs and fees under 42 U.S.C. §1988 and/or pursuant to any other applicable basis.

This is not a final order and does not close this case.

IT IS SO ORDERED.

Dated: August 13, 2013

s/Avern Cohn
UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Daniel D. Quick
Counsel for Plaintiffs

/s/ John Thurber
Counsel for Defendants