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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Erik Scott Maloney,)	
)	
Plaintiff,)	No. CV 13-00314-PHX-RCB(BSB)
)	
vs.)	O R D E R
)	
Charles L. Ryan, et al.)	
)	
Defendants.)	

Familiarity with the prior proceedings herein is presumed. Since the issuance of this court's June 28, 2013 order (Doc. 13), on July 9, 2013, executed waivers of service as to the original complaint were filed on behalf of defendants Ryan and Linderman (Docs. 14 and 15), Evidently the only other remaining defendant, Wayne Mason, has yet to be served. In any event, the next day, on July 10, 2013, plaintiff *pro se* Erik Scott Maloney filed a second amended complaint ("SAC") (Doc. 17). The first three counts in the SAC, all pertaining to Ramadan, which this year began on July 9th and will end on approximately August 7th, are virtually

1 identical to the first three counts in his original
2 complaint. The only differences are that in accordance with
3 this court's screening order (Doc. 5), Lance Hemter and
4 Stephen Morris are no longer named as defendants. Likewise,
5 the SAC omits all allegations pertaining to them.

6 Unlike the original complaint, however, the SAC includes
7 a fourth count, which was the sole basis for plaintiff's
8 first amended complaint. That fourth count alleges a
9 violation of the Religious Land Use and Institutionalized
10 Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc-1(a), against
11 defendant Ryan. The plaintiff alleges that defendant Ryan
12 violated RLUIPA by rescinding an Arizona Department of
13 Corrections policy regarding inmates' possession of religious
14 books, "substantially burdening" the "religious exercise of
15 Dawwah[,] which is "require[d] [of] [M]uslim
16 practitioner[s][.]" SAC (Doc. 17) at 13 and 14.

17 The SAC has yet to be served. Obviously, this fourth
18 count is separate and distinct from the three Ramadan counts,
19 which were the subject of this court's prior screening order,
20 and of which defendants Ryan and Linderman are fully aware,
21 given that they have both been served with the original
22 complaint.

23 Simultaneously with the filing of the SAC, the plaintiff
24 filed a renewed "Motion for a Temporary Restraining Order
25 and/or Preliminary Injunction[.]" Mot. (Doc. 16) at 1:12-13.
26 That motion pertains solely to the Ramadan counts (I-III).
27 Because currently Ramadan is ongoing, the court hereby
28 orders:

1 (1) the defendants to file and serve a response to
2 plaintiff's renewed motion (Doc. 16) by no later than Monday,
3 July 22, 2013, at noon;

4 (2) if plaintiff decides to file and serve a reply,¹ he
5 shall do so by no later than Monday, July 29, 2013; and

6 (3) plaintiff's motion shall be resolved on the written
7 submissions before the court; no evidentiary hearing will be
8 conducted.

9 DATED this 16th day of July, 2013.

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12 _____
13 Robert C. Broomfield
14 Senior United States District Judge

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22 Copies to counsel of record and plaintiff *pro se*

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26 _____
27 ¹ The plaintiff is advised that particularly in light of the "newly
28 developed facts" as outlined in his renewed motion and the accompanying
exhibits, at least insofar as the court is concerned, a reply is not
essential. See Maloney Decl'n (Doc. 16) at 3, ¶ 2.