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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MALI W. WILLIAMS,
Plaintiff,

v.

R. CONWAY, et al.,
Defendants.

Case No. [19-cv-03988-EMC](#)

**ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

Docket No. 27

I. INTRODUCTION

In this *pro se* prisoner's civil rights action, Mali Williams complains about the food given to him during Ramadan in 2017 at Salinas Valley State Prison ("SVSP"), as well as the availability of the SVSP chapel for Jumu'ah services in 2017 and 2018. *See generally*, Docket No. 12 ("First Amended Complaint"). Defendants have filed a motion for summary judgment, which Mr. Williams has opposed. *See* Docket Nos. 27, 28.

For the reasons discussed below, the Court **GRANTS** Defendants' motion for summary judgment.

II. BACKGROUND

The following facts are undisputed unless otherwise noted.

A. The Parties and Relevant Time Period

The relevant time period in this action is from March 2017 until June 2018. During the relevant time period, Mr. Williams was housed at SVSP. *See* Docket No. 1.

The First Amended Complaint ("FAC") named five Defendants: Supervising Correctional

1 Cook Mustafa, Correctional Food Manager Conway, Assistant Food Manager Castillo,
2 Community Resource Manager Hernandez, and Warden Foss. *See* FAC at 2.¹

3 B. Meals for Ramadan in 2017

4 In 2017, Ramadan began at sunset on May 26 and ended at sunset on June 25. *See* Docket
5 No. 27-07 ¶ 3 (“Conway Declaration”). Muslim inmates observing the Ramadan fast could not eat
6 during daylight hours during this timeframe. *See generally*, FAC. Mr. Williams is a Muslim
7 inmate, and observed Ramadan in 2017. *See generally, id.*

8 “CDCR institutions are required to utilize a standardized, CDCR menu developed by the
9 Departmental Food Administrator (DFA) for all general population and religious meals.” Conway
10 Decl. ¶ 4. This menu is developed by the DFA at CDCR headquarters, “verified . . . to ensure that
11 the food provided to inmates is both nutritionally sufficient and includes an adequate number of
12 calories,” and then disseminated to institutions such as SVSP. *Id.* SVSP provided the meals
13 “dictated” by the DFA at CDCR headquarters. *Id.* ¶ 6.

14 Per the instructions from CDCR headquarters, inmates observing Ramadan in 2017 were
15 given two sack meals that they could eat before sunrise, to replace the meals they were required to
16 skip during the day. *See id.* ¶ 5. Defendants represent that the sack meals included: “1 box cold
17 cereal, 2 oz. powdered milk, 1 coffee packet, 2 pieces fresh fruit, 6 slices bread, 2 pieces American
18 cheese, 1 packet peanut butter, 1 oz. jelly, 1 bag chips or pretzels, 2 packs of graham crackers, and
19 2 beverage packets.” MSJ at 5. Together, the sack meals “total[ed] 1,674 calories, which was
20 more than the required calories for the two meals.” *Id.* at 6. Each item was “shelf stable,” so that
21 it would not spoil between delivery and consumption. *See id.* at 5.

22 Mr. Williams does not dispute the contents of the sack meals, nor does he dispute that the
23 meals needed to be shelf stable. *See* Opp. at 1-2. Rather, Mr. Williams contends that the sack
24 meals lacked a “main course.” FAC at 3, Opp. at 2. Mr. Williams grievances reveal that he deems
25 a “main course” to consist of “boil[ed] eggs, tuna, or any kind of pastries.” *See* Docket No. 26-6
26 (“Mustafa Declaration”), Ex. A at 1.

27 _____
28 ¹ A fifth Defendant, Chief Deputy Warden Binkele, was named in the original complaint but
dropped from Plaintiff’s FAC. *Compare* Docket No. 1 *with* Docket No. 12.

1 To support his contention that the sack meals were missing a “main course,” Mr. Williams
2 submits a copy of a CDCR Food Service Handbook from 2008. *See* Opp., Ex. B; *see also* Opp. at
3 1 (relying on the 2008 Handbook). This 2008 Handbook contains sample Ramadan menus, some
4 of which include boiled eggs or pastries. *See id.* at 4-5. However, one sample menu contains
5 neither; an acceptable menu may consist only of: “1 Juice, 1 oz. Dry Cereal, 2 pkg. Peanut Butter,
6 1 pkg. 4 Slice[s of] Bread, 2 pkg. Almonds, 1 Milk carton, 1 Coffee packet, 1 pkg. Jelly.” *Id.* at 5.

7 C. Jumu’ah Services from March 2017 until June 2018

8 During the relevant time period, Mr. Williams was classified as a “Level IV, Medium A”
9 inmate. MSJ at 6 (citing Docket No. 27-5 (“Foss Declaration”) ¶ 5). Mr. Williams was housed on
10 C-Yard, *see* Foss Decl. ¶ 4, which has “the highest level of custody in CDCR,” Docket No. 27-4
11 (“Hernandez Declaration”) ¶ 6. CDCR regulations require that inmates with this level of custody
12 be given “frequent and direct” supervision. Foss Decl. ¶ 5.

13 C-Yard had both a chapel and outdoor religious grounds. *See* Foss Decl. ¶ 4. Due to the
14 custody level, “prison security required that any group prayer be supervised, either by a chaplain,
15 or by another staff member, such as a custody officer.” Hernandez Decl. ¶ 6. Thus, “[i]nmates
16 [we]re not permitted to be in a closed chapel area without the supervision of a religious leader
17 present.” Foss Decl. ¶ 6. “When a religious leader is not present or available, inmates may still be
18 accommodated and afforded the opportunity to practice their religious activities in an alternate
19 location such as an outdoor religious gathering area.” *Id.*

20 By March 2017, a Muslim religious leader was not consistently available to Muslim
21 inmates such as Mr. Williams, because the SVSP Muslim chaplain had transferred to another
22 facility and left his position vacant. *See* Hernandez Decl. ¶ 5. Defendant Hernandez recruited
23 volunteer religious leaders, both from religious organizations outside the prison and from prison
24 staff, to supervise the group prayer of Muslim inmates as they worshiped in the C-Yard chapel.
25 *See id.* However, volunteer religious leaders were only able to cover alternating Fridays. *See id.*
26 Defendant Hernandez explains that, while Mr. Williams could have led the religious aspect of
27 services during this time, “he would not have been authorized to act as the supervisor of the group
28 gathering” inside the chapel, as was required for prison security. *Id.*

1 On the Fridays when no volunteer religious leader was present, Muslim inmates were
2 permitted to conduct group prayer on SVSP’s outdoor religious grounds. *See id.*; *see also* FAC at
3 6-7 (describing this situation). “The Outdoor Religious Grounds were supervised by custodial
4 officers assigned to monitor C-Yard, therefore no special supervision was required for inmate
5 groups to gather at the designated Outdoor Religious Grounds.” Hernandez Decl. ¶ 7. Mr.
6 Williams objected to this accommodation, contending that the outdoor religious grounds were
7 inappropriate for religious services. *See* FAC at 7; Hernandez Dec. ¶ 8.

8 Mr. Williams represents that “every other religious spiritual sect” was “being afforded
9 their weekly services in the . . . chapel.” FAC at 6; *see also* Opp. at 2 (raising this argument). By
10 contrast, Defendant Hernandez represents that “[a]ll other religious groups” on C-Yard had only
11 “intermittent use” of the chapel. Hernandez Decl. ¶ 9.

12 **III. VENUE AND JURISDICTION**

13 Venue is proper in the Northern District of California because the events or omissions
14 giving rise to the complaint occurred at a prison in Monterey County, which is located within the
15 Northern District. *See* 28 U.S.C. §§ 84, 1391(b). The Court has federal question jurisdiction over
16 this action brought under 42 U.S.C. § 1983. *See* 28 U.S.C. § 1331.

17 **IV. LEGAL STANDARD FOR SUMMARY JUDGMENT**

18 Summary judgment is proper where the pleadings, discovery and affidavits show that there
19 is “no genuine dispute as to any material fact and [that] the moving party is entitled to judgment as
20 a matter of law.” Fed. R. Civ. P. 56(a). A court will grant summary judgment “against a party
21 who fails to make a showing sufficient to establish the existence of an element essential to that
22 party’s case, and on which that party will bear the burden of proof at trial . . . since a complete
23 failure of proof concerning an essential element of the nonmoving party’s case necessarily renders
24 all other facts immaterial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986). A fact is
25 material if it might affect the outcome of the lawsuit under governing law, and a dispute about
26 such a material fact is genuine “if the evidence is such that a reasonable jury could return a verdict
27 for the nonmoving party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986).

28 In a typical summary judgment motion, a defendant moves for judgment against a plaintiff

1 on the merits of his claim. In such a situation, the moving party bears the initial burden of
2 identifying those portions of the record which demonstrate the absence of a genuine dispute of
3 material fact. The burden then shifts to the nonmoving party to “go beyond the pleadings, and by
4 his own affidavits, or by the ‘depositions, answers to interrogatories, or admissions on file,’
5 designate ‘specific facts showing that there is a genuine issue for trial.’” *Celotex*, 477 U.S. at 324.

6 A verified complaint may be used as an opposing affidavit under Rule 56, as long as it is
7 based on personal knowledge and sets forth specific facts admissible in evidence. *See Schroeder*
8 *v. McDonald*, 55 F.3d 454, 460 & nn.10-11 (9th Cir. 1995) (treating plaintiff’s verified complaint
9 as opposing affidavit where, even though verification not in conformity with 28 U.S.C. § 1746,
10 plaintiff stated under penalty of perjury that contents were true and correct, and allegations were
11 not based purely on his belief but on his personal knowledge). Mr. Williams’s complaint is made
12 under penalty of perjury, *see* FAC at 2, and therefore is considered as evidence.

13 The court’s function on a summary judgment motion is not to make credibility
14 determinations or weigh conflicting evidence with respect to a disputed material fact. *See T.W.*
15 *Elec. Serv. v. Pac. Elec. Contractors Ass’n*, 809 F.2d 626, 630 (9th Cir. 1987). The evidence must
16 be viewed in the light most favorable to the nonmoving party, and inferences to be drawn from the
17 facts must be viewed in the light most favorable to the nonmoving party. *See id.* at 631.

18 **V. DISCUSSION**

19 The Court first will analyze Mr. Williams’s claims relating to Ramadan, and then will
20 discuss Mr. Williams’s claims relating to Jumu’ah.

21 A. Ramadan Claims

22 As detailed above, Mr. Williams contends that his 2017 Ramadan sack meals were missing
23 a “main course.” He contends that the absence of a “main course” violated his religious rights
24 under the First Amendment’s Free Exercise Clause, RLUIPA, and the Equal Protection Clause,
25 and his Eighth Amendment right to adequate food. *See* Docket No. 16 at 3-5 (summarizing Mr.
26 Williams’s cognizable claims).

27 For the reasons stated below, each Ramadan-related claim fails.

28

1 1. Free Exercise Clause

2 The First Amendment provides that “Congress shall make no law respecting an
3 establishment of religion, or prohibiting the free exercise thereof.” U.S. Const. amend I. “The
4 first of the two Clauses, commonly called the Establishment Clause, commands a separation of
5 church and state. The second, the Free Exercise Clause, requires government respect for, and
6 noninterference with, the religious beliefs and practices of our Nation’s people.” *Cutter v.*
7 *Wilkinson*, 544 U.S. 709, 719 (2005). Under the Free Exercise Clause, inmates “have the right to
8 be provided with food sufficient to sustain them in good health that satisfies the dietary laws of
9 their religion.” *Ward v. Walsh*, 1 F.3d 873, 877 (9th Cir. 1993) (quoting *McElyea v. Babbitt*, 833
10 F.2d 196, 198 (9th Cir. 1987)). The free exercise right, however, is necessarily limited by the fact
11 of incarceration, and may be curtailed in order to achieve legitimate correctional goals or to
12 maintain prison security. *O’Lone v. Shabazz*, 482 U.S. 342, 348-49 (1987). In order to establish a
13 free exercise violation, an inmate must show a defendant burdened the practice of his religion
14 without any justification reasonably related to legitimate penological interests. *See Shakur v.*
15 *Schriro*, 514 F.3d 878, 883-84 (9th Cir. 2008). This is because “[w]hen a prison regulation
16 impinges on” any of an inmate’s constitutional rights, “the regulation is valid if it is reasonably
17 related to legitimate penological interests.” *Id.* at 884 (quoting *Turner v. Safley*, 482 U.S. 78, 89
18 (1987)).

19 The Supreme Court has identified four factors for Courts to consider when determining
20 whether a regulation or practice is reasonably related to legitimate penological interests:
21 (1) whether there is a “‘valid, rational connection’ between the prison regulation and the legitimate
22 governmental interest put forward to justify it”; (2) “whether there are alternative means of
23 exercising the right that remain open to prison inmates”; (3) “the impact accommodation of the
24 asserted constitutional right will have on guards and other inmates, and on the allocation of prison
25 resources generally”; and (4) the “absence of ready alternatives,” or, in other words, whether the
26 rule at issue is an “‘exaggerated response’ to prison concerns.” *Turner v. Safley*, 482 U.S. 78, 89-
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1 90 (1987).² The task in considering the *Turner* factors is not to balance the four factors, but,
 2 rather, to determine whether the state shows a “reasonable” relation between the policy and
 3 legitimate penological objectives, rather than simply a “logical” one. *Beard v. Banks*, 548 U.S.
 4 521, 533 (2006). While all justifiable inferences must be drawn in the prisoner-plaintiff’s favor
 5 with respect to matters of disputed fact, the Court’s inferences must accord deference to the views
 6 of prison authorities in disputed matters of professional judgment. *See id.* at 529-30.

7 Defendants are entitled to judgment as a matter of law on Mr. Williams’s First Amendment
 8 claim because Mr. Williams has failed to show a triable issue of fact in support of his claim that
 9 Defendants burdened his practice of Islam.

10 Where a prisoner has been provided with food that allows him to “remain healthy [and] to
 11 satisfy the dietary requirements of his religion,” the Ninth Circuit has held that the denial of a
 12 prisoner’s preferred food was insufficient to burden the prisoner’s religious exercise. *Jones v.*
 13 *Williams*, 791 F.3d 1023, 1035 (9th Cir. 2015) (rejecting Free Exercise claim where prisoner was
 14 unable to consume grilled meat, where consumption of grilled meat was not required by religion,
 15 and “inmates were presented alternatives to grilled meat at every meal”). Here, Mr. Williams does
 16 not contend that his faith requires him to consume a “main course” of “boil[ed] eggs, tuna, or any
 17 kind of pastries” in his meals, does not contend that the food provided violated any tenet of Islam,
 18 and has not disputed Defendants’ representations that the meals provided were adequate to meet
 19 his nutritional and caloric needs. *See generally*, FAC, Opp. Indeed, a meal missing “boil[ed]
 20 eggs, tuna, or any kind of pastries” is recommended in the very 2008 Handbook that Mr. Williams
 21 relies on as a representation of what his meals ought to have included. *See Opp.* at 1 & Ex. B. On
 22 the evidence in the record, no reasonable jury could find that Mr. Williams was not “provided with
 23 food sufficient to sustain [him] in good health that satisfies the dietary laws of [his] religion.”
 24 *Ward*, 1 F.3d at 877 (citation omitted).

25 Even assuming arguendo that Mr. Williams’s evidence had raised a triable issue of fact
 26 that Defendants burdened the practice of his religion, his Free Exercise Clause claim would fail

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28 ² The *Turner* test applies to constitutional claims, but not the RLUIPA claim. *See Alvarez v. Hill*,
 518 F.3d 1152, 1156 (9th Cir. 2008).

1 because the evidence indisputably shows that the diet that was provided passes muster under the
2 *Turner* test.

3 With respect to the first *Turner* factor, the undisputed evidence shows a rational and valid
4 connection to the legitimate governmental interest of providing a shelf-stable Ramadan diet that
5 “ensur[ed] that inmates observing the Ramadan fast had healthy and nutritionally adequate food.”
6 MSJ at 9. CDCR has a legitimate government interest in providing religious diets which will
7 maintain prisoners’ health. *See Brinkman v. Linderman*, 616 F. App’x 227, 229 (9th Cir. 2015)
8 (recognizing that prisons have legitimate interest in maintaining prisoners’ health); *see also*
9 *Resnick v. Adams*, 348 F.3d 763, 769 (9th Cir. 2003) (first *Turner* factor satisfied because
10 requiring inmate to fill out a standardized form to obtain a religious diet was rationally connected
11 to the orderly administration of the common fare program in federal prison system); *Sefeldeen v.*
12 *Alameida*, 238 F. App’x 204, 206 (9th Cir. 2007) (“the legitimate governmental interest is to
13 reasonably accommodate thousands of inmates’ religious dietary needs while also considering
14 budgetary, staff, and security limitations”). The first *Turner* factor weighs in favor of Defendants.

15 The second *Turner* factor is “whether there are alternative means of exercising the right
16 that remain open to prison inmates.” *Turner*, 482 U.S. at 89-90. The policy of providing only
17 shelf-stable foods during Ramadan did not deprive Mr. Williams of all means of exercising his
18 Muslim religion. *See O’Lone*, 482 U.S. at 352-53 (although there were no alternative means for
19 the inmates on work detail to attend Jumu’ah services, the inmates nevertheless retained their
20 ability to participate in other Muslim religious ceremonies and practices, and that ability supported
21 the reasonableness of the restriction). Indeed, Mr. Williams contends only that his dislike for the
22 food provided caused a slight distraction from Ramadan, not that the meals prevented his
23 participation in Ramadan. *See generally*, FAC & Opp. Mr. Williams retained “the ability to
24 participate in other significant rituals and ceremonies” of his faith. *See Ward*, 1 F.3d at 877. The
25 second *Turner* factor weighs in favor of Defendants.

26 The third *Turner* factor requires the Court to consider the “impact accommodation of the
27 asserted constitutional right will have on guards and other inmates, and on the allocation of prison
28 resources generally.” *Turner*, 482 U.S. at 90. Providing a custom Ramadan diet for Mr. Williams

1 with his preferred “main course” items may have caused him to become ill if those items were not
2 shelf stable, may not have complied with the nutrition guidelines which CDCR headquarters had
3 verified were fulfilled, and also would have adversely affected the allocation of jail resources by
4 disrupting the simplified food services system beneficial for feeding all inmates. Although Mr.
5 Williams cites a 2008 Handbook which included boiled eggs or pastries among the acceptable
6 meal choices, he neither shows nor alleges that such menus were approved by the DFA at CDCR
7 Headquarters in 2017, for distribution at individual prisons by officials such as Defendants. *See*
8 *generally*, FAC, Opp. The third *Turner* factor weighs in favor of Defendants. *See DeHart v.*
9 *Horn*, 390 F.3d 262, 271-72 (3d Cir. 2004) (providing religious vegan diet would burden prison
10 administration because it would require specialized ordering and preparation of food and
11 individualized preparation of meals in kitchen designed for bulk food preparation).

12 The fourth *Turner* factor requires the Court to consider whether there is an “absence of
13 ready alternatives” to the prison policy. *Turner*, 482 U.S. at 90. The burden is on the inmate
14 challenging the regulation to show that there are obvious, easy alternatives to the regulation. *See*
15 *O’Lone*, 482 U.S. at 350; *see also Mauro v. Arpaio*, 188 F.3d 1054, 1063 (9th Cir. 1999). Here,
16 Mr. Williams has not put forth a ready alternative to Defendants’ Ramadan meal plan that would
17 accommodate his specialized food preferences, while accommodating the need for shelf stable
18 foods that could be retained in an inmate’s cell overnight. *Cf. Ashelman v. Wawrzaszek*, 111 F.3d
19 674, 677 (9th Cir. 1997) (reversing and remanding on free exercise claim because lower Court
20 had not taken into consider evidence that a variety of foodstuffs could be assembled to provide
21 meals that were consistent with kosher diet request where “most of these things are ‘off-the-shelf’
22 and nothing in the record suggests that the cost would be appreciable.”). As noted above, the 2008
23 Handbook that Plaintiff attaches to the Opposition does not include menus approved by CDCR
24 Headquarters in 2017. The fourth *Turner* factor weighs in Defendants’ favor.

25 Having considered the *Turner* factors, the Court concludes that Mr. Williams has not
26 raised a triable issue of fact that his right to free exercise of religion was improperly impinged
27 upon by Defendants’ policy. Defendants are entitled to judgment in their favor on Mr. Williams’s
28 First Amendment claim.

1 2. RLUIPA

2 Prisoners’ religious freedoms also are protected by the Religious Land Use and
3 Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. § 2000cc-1. RLUIPA provides: “No
4 government shall impose a substantial burden on the religious exercise of a person residing in or
5 confined to an institution, as defined in section 1997 [which includes state prisons], even if the
6 burden results from a rule of general applicability, unless the government demonstrates that
7 imposition of the burden on that person (1) is in furtherance of a compelling governmental
8 interest; and (2) is the least restrictive means of furthering that compelling governmental interest.”
9 42 U.S.C. § 2000cc-1(a). For an RLUIPA claim, the plaintiff-prisoner must show that the
10 government has imposed a substantial burden on his religious exercise, which is a burden that
11 imposes “significantly great restriction or onus upon such exercise.” *San Jose Christian Coll. v.*
12 *Morgan Hill*, 360 F.3d 1024, 1034 (9th Cir. 2004). As with a Free Exercise Clause claim, under
13 RLUIPA, “a prisoner’s request for an accommodation of a religious practice must be sincerely
14 based on a religious belief and not some other motivation.” *Holt v. Hobbs*, 135 S. Ct. 853, 862
15 (2015).

16 The Ninth Circuit has held that a “substantial burden” on “religious exercise” is one that
17 imposes “a *significantly great* restriction or onus upon such exercise.” *Hartmann v. California*
18 *Dep’t of Corr. & Rehab.*, 707 F.3d 1114, 1125 (9th Cir. 2013) (quoting *San Jose Christian*
19 *College*, 360 F.3d at 1034) (emphasis added). The plaintiff bears the burden of coming forward
20 with evidence demonstrating the state’s action or policy constituted a substantial burden on his
21 exercise of religion. *Warsoldier v. Woodford*, 418 F.3d 989, 994-95 (9th Cir. 2005). The focus of
22 this initial inquiry necessarily is on the manner in which the plaintiff’s religious exercise is
23 impacted, rather than on the reasonableness of the facility’s policy or regulation. *Id.* at 995. Once
24 the plaintiff has met his initial burden of showing a substantial burden on his exercise of religion,
25 the burden shifts to the government to show that the burden imposed is in furtherance of a
26 “compelling” government interest (rather than simply a legitimate penological interest), and that it
27 achieves the compelling interest by the least restrictive means. *See* 42 U.S.C. § 2000cc-1(a);
28 *Shakur v. Schriro*, 514 F.3d 878, 889 (9th Cir. 2008).

1 Here, Mr. Williams falls at the first hurdle because Defendants did not burden Mr.
2 Williams’s practice of his religion, much less substantially burden it. Mr. Williams wanted a
3 Ramadan diet with attributes different from the one served to him, one which would contain
4 “boil[ed] eggs, tuna, or any kind of pastries.” The evidence is undisputed, however, that these
5 preferences were personal preferences rather than religion-based preferences. In such instances,
6 courts repeatedly have rejected a prisoner-plaintiff’s RLUIPA or First Amendment claim.³ The
7 features of the diet that Mr. Williams found disagreeable simply did not impose ““a significantly
8 great restriction or onus,”” *Hartmann*, 707 F.3d at 1125, upon the exercise of his Muslim religion.

9 No reasonable jury could conclude, on the evidence in the record, that the failure to
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11 ³ See, e.g., *Jones v. Williams*, 791 F.3d 1023 (9th Cir. 2015 (rejecting Free Exercise claim where
12 prisoner was unable to consume grilled meat, where consumption of grilled meat was not required
13 by religion, and “inmates were presented alternatives to grilled meat at every meal”); *Kretchmar v.*
14 *Beard*, 241 F. App’x 863 (3d Cir. 2007) (RLUIPA and First Amendment claims were properly
15 rejected because non-rotating Kosher menu served cold and that did not comply with prison’s
16 general menu operating guidelines that required a rotating menu and two hot meals per day did not
17 substantially burden inmate’s religious exercise); *id.* at 865 (while plaintiff “may prefer a wider
18 variety of hot meals, the diet he currently receives” – which was religiously compliant and met his
19 nutritional needs – “is not the type of burden that puts substantial pressure on him to modify his
20 behavior and violate his beliefs”); *DeHart v. Horn*, 227 F.3d 47, 52 (3d Cir. 2000) (“if a prisoner’s
21 request for a particular diet is *not* the result of sincerely held religious beliefs, the First
22 Amendment imposes no obligation on the prison to honor that request, and there is no occasion to
23 conduct the *Turner* inquiry”); *Walters v. Santa Clara Dep’t of Corr.*, No. C-12-2799 EMC (PR),
24 2013 WL 5292042, at *6 (N.D. Cal. Sept. 19, 2013) (rejecting claim where prisoner-plaintiff
25 wanted a religious diet that contained more meat and desserts than the existing diet); *Riley v.*
26 *DeCarlo*, 2012 WL 4378569, *5 (W. D. Penn. 2012) (granting summary judgment for Defendants
27 on plaintiffs’ religious freedom claims where no-animal-product-diet offered indisputably
28 excluded all the ingredients plaintiff claimed to be religiously unacceptable; “[p]laintiff seems to
be attempting to force Defendants to cater to his ill-defined personal preferences, which is not
cognizable under the Free Exercise Clause”); *Gailbreath v. Covert*, 2011 WL 3475544, *7-8 (W.
D. Penn. 2011) (finding plaintiff’s First Amendment freedom of religion and RLUIPA claims to
be without merit where plaintiff requested and received a non-pork diet requested for religious
reasons but did not receive a vegetarian diet he requested for non-religious reasons); see also *id.* at
8 (vegetarian diet requested ““for cholesterol reasons”” was “not religious in nature” and therefore
the “denial of the same did not place any substantial burden on Plaintiff’s religious exercise”);
Moore v. Cucchi, 2011 WL 4594907, *3-*4 (D. N.J. 2011) (granting summary judgment against
plaintiff on his RLUIPA and First Amendment claims because plaintiff did not allege facts
showing that the non-meat diet he was served violated his Buddhist beliefs even though that diet
did not satisfy his personal preference for a lacto-vegetarian diet; “an inmate has no constitutional
right to a diet based on personal preference”); *Strope v. Cline*, 2010 WL 3721700, *7 (D. Kan.
2010) (“it is ‘axiomatic that the free exercise clause of the first amendment does not offer its
protections to mere personal preferences;”” granting summary judgment against plaintiff on his
First Amendment and RLUIPA claims where plaintiff had expressed no religious necessity for the
foods omitted from the diet, or religious prohibition against the repetitive nature of the menu
offered).

1 provide a Ramadan diet that included eggs, tuna, and pastries amounted to a substantial burden on
2 Mr. Williams’s exercise of his Muslim religion. Accordingly, Defendants are entitled to judgment
3 as a matter of law on the RLUIPA claim.

4 3. Equal Protection Clause

5 Mr. Williams contends that prison officials treated him differently from other inmates, in
6 violation of his rights under the Equal Protection Clause of the Fourteenth Amendment.
7 Specifically, he appears to contend that prison officials provided inmates not practicing Ramadan
8 with a “main course” at every meal.

9 “The Equal Protection Clause of the Fourteenth Amendment commands that no State shall
10 ‘deny to any person within its jurisdiction the equal protection of the laws,’ which is essentially a
11 direction that all persons similarly situated should be treated alike.” *City of Cleburne v. Cleburne*
12 *Living Center*, 473 U.S. 432, 439 (1985). In the prison or jail context, the Equal Protection Clause
13 requires that an inmate who is an adherent of a minority religion be afforded a “reasonable
14 opportunity of pursuing his faith comparable to the opportunity afforded fellow prisoners who
15 adhere to conventional religious precepts,” *Cruz v. Beto*, 405 U.S. 319, 322 (1972) (Buddhist
16 inmates must be given opportunity to pursue faith comparable to that given Christian inmates), as
17 long as the inmate’s religious needs are balanced against the reasonable penological goals of the
18 prison, *O’Lone*, 482 U.S. at 349. An inmate cannot prevail on his equal protection claim “if the
19 difference between the Defendants’ treatment of him and their treatment of [other] inmates is
20 ‘reasonably related to legitimate penological interests.’” *Shakur*, 514 F.3d at 891 (citations
21 omitted).

22 Mr. Williams has failed to show a triable issue of fact in support of his equal protection
23 claim. Mr. Williams fails to show differential treatment, and thus has failed to establish the first
24 prong of an equal protection claim.

25 Defendants contend that Mr. Williams’s menu for the Ramadan fast should be compared
26 only to the menu provided to other inmates fasting for Ramadan, and that this comparison shows
27 Mr. Williams was not treated differently. *See* MSJ at 13. This argument fails to address Mr.
28 Williams’s claim that Muslim inmates were treated differently than non-Muslim inmates.

1 However, the Court agrees with Defendants that it is not quite appropriate to compare the menu
2 provided to fasting Muslim inmates with that provided to non-fasting non-Muslim inmates; it
3 simply adds too many variables. Rather, to determine whether Mr. Williams was treated
4 differently based on his Muslim faith, the appropriate comparison is between what was provided
5 to inmates fasting for Ramadan, and what was provided to inmates fasting as an act of worship
6 under a different faith. *See, e.g., Aiello v. West*, 207 F. Supp. 3d 886, 903 (W.D. Wis. 2016) (no
7 equal protection claim stated where defendants made change to Kosher meal plan, where change
8 was for secular reasons and “was made to treat different religious diets *more* similarly”) (emphasis
9 in original). Mr. Williams has introduced no evidence to show that “boil[ed] eggs, tuna, or any
10 kind of pastries” were included in the sack meals given to inmates fasting under a religion other
11 than Islam, or to inmates fasting for non-religious reasons, and so has not shown that he was
12 treated differently from similarly situated inmates based on his Muslim faith. Because he has not
13 shown this differential treatment, Mr. Williams has failed to establish an essential element of his
14 claim and summary judgment is appropriate. *See Celotex*, 477 U.S. at 322-23 (Courts grant
15 summary judgment “against a party who fails to make a showing sufficient to establish the
16 existence of an element essential to that party’s case, and on which that party will bear the burden
17 of proof at trial . . . since a complete failure of proof concerning an essential element of the
18 nonmoving party’s case necessarily renders all other facts immaterial.”).

19 Moreover, even if the Court were to compare Mr. Williams to non-similarly-situated, non-
20 fasting inmates, summary judgment would be appropriate because the difference in treatment
21 between inmates fasting for Ramadan and inmates who are not fasting is “‘reasonably related to
22 legitimate penological interests.’” The legitimate penological interests of maintaining inmate
23 nutrition, providing meals that would not spoil, and espousing a simplified and efficient food
24 service plan, justified the decision not to provide to fasting inmates “boil[ed] eggs, tuna, or any
25 kind of pastries” in addition to the Ramadan diet (which, as noted above, satisfied the dictates of
26 the Muslim religion). *See supra* V.A.1 (discussing these penological interests as part of the
27 Court’s Turner analysis).

28 Because Mr. Williams fails to show that he was treated differently from similarly situated

1 inmates, and because the difference in treatment between Mr. Williams and non-fasting inmates is
2 justified for the reasons discussed above, the Court concludes that Mr. Williams has not raised a
3 triable issue of fact that his right to equal protection was improperly impinged upon by
4 Defendants. Defendants are entitled to judgment in their favor on Mr. Williams’s Fourteenth
5 Amendment Equal Protection Clause claim.

6 4. Eighth Amendment

7 Adequate food is a basic human need protected by the Eighth Amendment. *See Keenan v.*
8 *Hall*, 83 F.3d 1083, 1091 (9th Cir. 1996), *amended*, 135 F.3d 1318 (9th Cir. 1998). The Eighth
9 Amendment requires only that prisoners receive food that is adequate to maintain health; it need
10 not be tasty or aesthetically pleasing. *See Graves v. Arpaio*, 623 F.3d 1043, 1050 (9th Cir. 2010)
11 (per curiam) (8th Amendment requires that pretrial detainees be given food that meets or exceeds
12 the Department of Agriculture’s *Dietary Guidelines*); *see, e.g., Mendiola-Martinez v. Arpaio*, 836
13 F.3d 1239, 1259 (9th Cir. 2016) (summary judgment properly granted for defendants because
14 plaintiff failed to provide any evidence that the jail’s pregnancy diet, which consisted of regular
15 inmate diet plus a prenatal vitamin and an additional 32 ounces of milk per day, was nutritionally
16 insufficient or inedible); *LeMaire v. Maass*, 12 F.3d 1444, 1456 (9th Cir. 1993) (temporary diet of
17 Nutraloaf, which exceeds inmate’s daily nutritional requirements, does not violate 8th
18 Amendment). Food that is spoiled and water that is foul is deemed inadequate to maintain health.
19 *See Keenan*, 83 F.3d at 1091; *Toussaint v. McCarthy*, 597 F. Supp. 1388, 1412 (N.D. Cal. 1984)
20 (Nutritionally complete food served to inmates is deficient under constitutional standards if it is
21 prepared under conditions so unsanitary as to make it unwholesome and a threat to inmates who
22 consume it.).

23 Here, Defendants represent, and Mr. Williams does not dispute, that the meals provided to
24 him were nutritionally and calorically sufficient to maintain health, were approved by a dietician,
25 and were mandated by CDCR headquarters. *Compare* MSJ at 9-10 (“The pre-dawn meal only
26 included items that were shelf-stable, and included all approved food from the CDCR dietician in
27 order to meet the recommended number of calories.”) (citing Conway Decl. at ¶¶ 5-6, Decl.
28 Castillo Decl. at ¶¶ 5-7, Decl. Mustafa Decl. at ¶¶ 5-7) *with* Opp. (raising no arguments regarding

1 the safety, cleanliness, or nutritional adequacy of the food). Because Mr. Williams has not
2 presented any evidence that the Ramadan meals were nutritionally or calorically insufficient, he
3 has failed to carry his summary judgment burden.

4 For the aforementioned reasons, Defendants are entitled to judgment on Mr. Williams’s
5 Eighth Amendment claim.

6 B. Jumu’ah Claims

7 Mr. Williams claims that his rights were violated when he was forced to attend Jumu’ah
8 services in the recreation yard every other week, rather than being able to attend services in the
9 chapel every week. He contends that attending Jumu’ah services in the Outdoor Religious
10 Grounds violated his religious rights under the First Amendment’s Free Exercise Clause,
11 RLUIPA, and the Equal Protection Clause. *See* Docket No. 16 at 5-6 (summarizing Mr.
12 Williams’s cognizable claims).

13 As a preliminary matter, the Court notes that Mr. Williams appears not to recognize a
14 distinction between roles. Defendants state that Mr. Williams could have sought permission to
15 lead services in the *spiritual* sense, but could not be authorized to supervise services in the *custody*
16 sense. *See* Hernandez Decl. ¶ 6. On days when no staff member was available to supervise indoor
17 services in the *custody* sense, inmates were required to gather outside where they could be
18 observed by custodial staff on duty. *See id.*

19 For the reasons stated below, each Jumu’ah-related claim fails.

20 1. First Amendment and RLUIPA Claims

21 The Ninth Circuit repeatedly has rejected First Amendment and RLUIPA claims where an
22 inmate has been allowed to attend group services, even if those services were not conducted in a
23 chapel. In *Jackson v. Gomez*, the prisoner-plaintiff was incarcerated at Corcoran State Prison
24 (“CSP”) and was a member of the Nation of Islam. *See* 142 F.3d 443 at *1 (9th Cir. 1998)
25 (unpublished). CSP had a policy which “prohibit[ed] religious meetings in the chapel, unless the
26 prisoners ha[d] non-inmate supervision.” *Id.* Unlike the instant action where Mr. Williams was
27 able to worship in the chapel every other week, in *Jackson* the prisoner-plaintiffs were *never*
28 permitted to hold services in the chapel and *always* required to hold services in the prison yard,

1 because “non-inmate supervision . . . was unavailable to the Nation of Islam prisoners” at CSP.
2 *Id.* Nevertheless, the Ninth Circuit held that “prison officials did not violate any of the plaintiffs’
3 ‘clearly established’ rights,” because the prisoners had been afforded a reasonable opportunity to
4 practice their faith, and because CSP was not required to provide chapel access to the relatively
5 small group of prisoners who belonged to the Nation of Islam. *Id.* at *2 (upholding grant of
6 qualified immunity). Similarly, in *Robbins v. Grant*, prison officials denied the Buddhist prisoner-
7 plaintiff permission to use the chapel to meet with another Buddhist inmate. *See* 988 F.2d 121 at
8 *1 (9th Cir. 1993) (unpublished). Prison officials explained that security concerns prevented
9 unsupervised use of the chapel. *See id.* As in the instant action, although the Buddhist inmates
10 could not use the chapel unsupervised, they were allowed to conduct religious services “in another
11 appropriate room where security officers already were present.” *Id.* The Ninth Circuit held that
12 prison officials’ denial of use of the chapel was permissible given, among other things, “the
13 availability of alternative areas, if needed, for congregation.” *Id.* at *2. Similarly, in *Nazarzai v.*
14 *Cnty. of Orange*, the detainee-plaintiff argued that he had been denied the right to attend chapel
15 and weekly religious services. 845 F. App’x 559, 560 (9th Cir. 2021). The Ninth Circuit held
16 that, because he “was provided access to religious services and a religious advisor [and] was also
17 able to pray daily,” his rights had not been violated even though he was not allowed to attend
18 religious services on a weekly basis. *Id.*

19 Indeed, the Ninth Circuit has rejected claims where the prisoner-plaintiff was not given the
20 opportunity to attend *any* services, whether inside the chapel or outside, so long as he was able
21 otherwise to practice his religion. In *Sutton v. Vail*, the prisoner-plaintiff was denied access to any
22 group religious services, because no supervisor was available. *See* No. 11-35513, 2012 WL
23 5951464, at *1 (9th Cir. Nov. 27, 2012). Nevertheless, the Ninth Circuit concluded that the
24 prisoner-plaintiff had not shown “that defendants’ actions substantially burdened his ability to
25 practice his religion.” *Id.* In *Jones v. Bradley*, the prisoner-plaintiff was a pastor in the Universal
26 Life Church and was denied access to the prison chapel because, among other things, he lacked an
27 outside sponsor. *See* 590 F.2d 294, 295, 296 (9th Cir. 1979). Nevertheless, the Ninth Circuit
28 “conclude[d] that he was not denied ‘a reasonable opportunity of pursuing his faith.’” *Id.*

1 Applying these decisions here, Mr. Williams’s claim that his sporadic chapel access
2 violated his First Amendment and RLUIPA rights fails. Mr. Williams was permitted to attend
3 weekly Jumu’ah services, half of which occurred in the chapel and half of which occurred outside.
4 Following *Jackson*, in which the prisoner-plaintiff was forced to conduct *all* worship outside, Mr.
5 Williams’s sporadic access to the chapel did not burden his ability to practice his religion.

6 The *Turner* factors also counsel in favor of rejecting Mr. Williams’s Jumu’ah claims. As
7 to the first *Turner* factor, Defendants represent, and Mr. Williams appears to concede, that
8 Muslim inmates’ sporadic access to the chapel was due to the lack of an “assigned Imam/ Muslim
9 spiritual leader/ chaplain,” FAC at 6; MSJ at 16-17, and that such a supervisor was required for
10 prison security. *See* Foss Decl. ¶¶ 5-6, Hernandez Decl. ¶ 6. The legitimate penological interest
11 of maintaining prison security justified the decision not to permit inmates to congregate in a closed
12 environment without custodial supervision. *See Shakur*, 514 F.3d at 891 (An inmate cannot
13 prevail on his equal protection claim “if the difference between the Defendants’ treatment of him
14 and their treatment of [other] inmates is ‘reasonably related to legitimate penological interests.’”).
15 The second *Turner* factor, whether Mr. Williams had alternative means of exercising his right,
16 also counsels in favor of rejecting Mr. Williams’s claim: as noted above, Mr. Williams was able to
17 attend group Jumu’ah services on the Outdoor Religious Grounds, which the Ninth Circuit has
18 held sufficient. As to the third *Turner* factor, were prison officials to have allowed Muslim
19 inmates unsupervised access to the chapel, the impact on guards and other inmates would have
20 been considerable: allowing inmates at the highest custody level to congregate unsupervised risks
21 those inmates hurting one another, plotting together to hurt a guard or otherwise undermine prison
22 security, and would additionally afford Muslim inmates preferential treatment not afforded to
23 other groups. Finally, the fourth *Turner* factor asks whether the rule at issue is an “‘exaggerated
24 response’ to prison concerns.” *Turner* 482 U.S. at 89-90. As the Ninth Circuit repeatedly has
25 recognized the validity of prison regulations requiring supervision in the chapel, and as the instant
26 regulation is actually less burdensome than some of those approved by the Ninth Circuit, the Court
27 cannot hold that the rule is an “exaggerated response.”

28 For these reasons, Mr. Williams’s First Amendment and RLUIPA claims fail.

1 2. Equal Protection Claim

2 As noted above, the Equal Protection Clause requires that an inmate who is an adherent of
3 a minority religion be afforded a “reasonable opportunity of pursuing his faith comparable to the
4 opportunity afforded fellow prisoners who adhere to conventional religious precepts.” *Cruz*, 405
5 U.S. at 322. However, this opportunity is qualified by the need to balance the inmate’s religious
6 needs against the reasonable penological goals of the prison, *O’Lone*, 482 U.S. at 349. The
7 Supreme Court has provided an additional qualifier:

8 We do not suggest, of course, that every religious sect or group
9 within a prison—however few in number—must have identical
10 facilities or personnel. A special chapel or place of worship need
11 not be provided for every faith regardless of size; nor must a
12 chaplain, priest, or minister be provided without regard to the extent
13 of the demand. But reasonable opportunities must be afforded to all
14 prisoners to exercise the religious freedom guaranteed by the First
15 and Fourteenth Amendment without fear of penalty.

13 *Cruz*, 405 U.S. at 322 n.2. In other words, equal protection “does not mean . . . that all prisoners
14 must receive identical treatment and resources.” *Hartmann v. California Dep’t of Corr. & Rehab.*,
15 707 F.3d 1114, 1123 (9th Cir. 2013).

16 Applying the limitations from *O’Lone* and *Cruz*, the Ninth Circuit repeatedly has rejected
17 Equal Protection claims similar to that brought by Mr. Williams. In *Allen v. Toombs*, the Ninth
18 Circuit considered Native American prisoner-plaintiffs’ access to a Pipe Ceremony. *See* 827 F.2d
19 563, 565 (9th Cir. 1987). The prisoner-plaintiffs “note[d] that Catholic and Protestant DSU
20 inmates can obtain spiritual guidance immediately upon request because the state provides full-
21 time chaplains of those denominations on the prison premises.” *Id.* at 568. By contrast, Native
22 American prisoners were served only by volunteer Pipe Bearers. *See id.* “When no outside
23 volunteer is available, plaintiffs argue Native American inmates are denied any access to spiritual
24 guidance, and are therefore denied opportunities to pursue their faith comparable to those afforded
25 to Catholics and Protestants.” *Id.* The Ninth Circuit held that the prison had not violated the
26 prisoner-plaintiffs’ right to equal protection because “the prison administration is not under an
27 affirmative duty to provide each inmate with the spiritual counselor of his choice,” and because
28 the prison “permits outside religious leaders to enter the DSU to address the religious needs of

1 Native American inmates,” which gave Native American inmates “a reasonable opportunity . . . to
2 exercise their faith. “ *Id.* at 569. *See also Hartmann*, 707 F.3d at 1124 (that the prison “provides
3 Plaintiffs with access to a volunteer Wiccan chaplain when one is available” was fatal to the
4 prisoner-plaintiffs’ equal protection claim); *Mayweathers v. Gomez*, No. C94-3297 FMS, 1997
5 WL 601428, at *2 (N.D. Cal. Sept. 19, 1997) (failure to provide a Muslim cleric did not violate
6 equal protection, where “a variety of religious services” were provided to permit Muslim inmates
7 to practice their faith).

8 Here, as in *Allen*, Mr. Williams was given a “reasonable opportunity of pursuing his faith.”
9 *Cruz*, 405 U.S. at 322. He was free to worship individually, or outside as part of a group. He was
10 allowed to practice his religion freely, and was afforded the services of a non-inmate supervisor –
11 and the concomitant access to the chapel – when one was available. *See generally*, FAC
12 (conceding that Muslim inmates were able to worship in the chapel when a supervisor was
13 available). In addition, not only did Defendants give Mr. Williams access to outside religious
14 leaders as in *Allen*, here Defendant Hernandez went further and actively sought volunteers from
15 the community to fill the gap left by the Muslim Chaplain’s transfer. *See Hernandez Decl.* ¶ 5.
16 Indeed, Plaintiff does not dispute that Defendant Hernandez made these efforts. *See generally*,
17 *Opp.* It is clear from the record that prison officials made a good-faith effort to accommodate
18 Muslim prisoners’ rights. *See Freeman*, 125 F.3d at 737.

19 Further, even if there was unequal treatment,⁴ Defendants’ actions pass muster under the
20 *Turner* test. Prisons and jails need not provide identical facilities or services to different faiths,
21 but must make good faith accommodation of the inmates’ rights in light of practical
22 considerations. *See Freeman*, 125 F.3d at 737. Here, after the Muslim chaplain transferred to
23 another facility, Defendants sought to hire another Muslim chaplain to supervise indoor religious
24 services and, in the interim, recruited volunteers to do so. Plaintiff does not argue that any of
25 these efforts were made in less than good faith. *See generally*, FAC, *Opp.* The same *Turner*

26
27 ⁴ Defendants have introduced evidence – which Mr. Williams does not dispute – that the
28 supervisor requirement applied to all religions, not just to Islam. *See Hernandez Decl.* ¶ 6 (“prison
security required that any group prayer be supervised, either by a chaplain, or by another staff
member”), ¶ 9 (“All other religious groups had intermittent use of the chapel as well.”).

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analysis that requires rejection of Mr. Williams’s First Amendment and RLUIPA claims is fatal to Mr. Williams’s Equal Protection Claim. *See supra* V.B.1.

Having considered Ninth Circuit precedent and the *Turner* factors, the Court concludes that Mr. Williams has not raised a triable issue of fact that his equal protection rights were violated. Defendants are entitled to judgement on Mr. Williams’s Equal Protection claim.

VI. CONCLUSION

For the foregoing reasons, Defendants’ motion for summary judgment is **GRANTED**.

This order disposes of Docket No. 27. The Clerk is instructed to enter Judgment and close the case.

IT IS SO ORDERED.

Dated: July 29, 2022


EDWARD M. CHEN
United States District Judge