

Vega v. Lantz, 04 CV 1215 (DFM) – ELECTRONIC ORDER

4/1/11 – Familiarity is presumed with this Magistrate Judge's Electronic Order, filed 9/29/10 (Dkt. #204), which administratively closed this filed.

As indicated in the previous Electronic Order, after Magistrate Judge Donna F. Martinez's thirty-four page Ruling on Defendants' Motion for Summary Judgment, filed September 25, 2009 (Dkt. #188), only five claims remain in this lawsuit (at 2-4, 29-30, 30-31, 31-32, 32, 32-33, 33-34), summary judgment having been granted for defendants on the other claims (at 2-4, 7-8, 9-13, 13-23, 24-29, 33). The five claims were: cancellation of Jumah; mishandling of the Quran; circumcision; purchase of miswak (a special tooth stick used by Muslims); and prayer oils.

Settlement has been reached with respect to two issues: mishandling of the Quran and purchase of miswak. (Dkts. ##205-08).

The file is now **reopened** for the purposes set forth below. Both sides agree that a bench trial before Judge Martinez is required with respect to the following three issues: (1) with respect to Jumah, plaintiff's claim that when Jumah is canceled due to an unexpected unavailability of an Imam to lead such prayers, then an inmate should be permitted to serve as a "facilitator" under the supervision of a Chaplain of another religion; (2) with respect to prayer oils, plaintiff's claim that the prayer oils available in the prison commissary contain chemicals at variance with Islamic beliefs; and (3) with respect to circumcision, plaintiff's claim that he should be able to undergo this medical procedure at his own expense or defendants' expense.

Plaintiff is not available during the month of August 2011 for Ramadan.

To the extent that either counsel believes that continued settlement discussions before this Magistrate Judge would be productive, he is free to contact Chambers accordingly.