

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 12-22958-CIV-SEITZ**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS
and FLORIDA DEPARTMENT OF CORRECTIONS,

Defendants.

**ORDER DENYING MOTION TO CLARIFY AND MOTION TO TAKE JUDICIAL
NOTICE**


THIS MATTER is before the Court upon Non-Party Akeem Muhammad's Motion to Clarify Permanent Injunction [DE-648] and Motion for Judge P. Seitz to Take Judicial Notice of "Motion to Clarify Injunction" [DE-655]. The Motion to Clarify seeks a clarification of the Court's permanent injunction that would state that any kosher diet served by Defendants must be "nutritionally adequate." Movant, however, is not a party to this action and, therefore, lacks standing to bring this motion. Further, it appears that Movant is really seeking a declaration from the Court that the current kosher diet served by Defendants is not nutritionally adequate. Such a determination goes beyond a mere "clarification" of the existing injunction and would require an evidentiary showing of what constitutes "nutritionally adequate" and why the current kosher diet does not meet those requirements. The Motion to Clarify does not include such an evidentiary showing. The Motion to Take Judicial Notice is really a request for the Court to rule on the Motion to Clarify. Accordingly, it is

ORDERED that:

1. The Motion to Clarify Permanent Injunction [DE-648] is DENIED.

2. The Motion for Judge P. Seitz to Take Judicial Notice of “Motion to Clarify Injunction” [DE-655] is DENIED.

DONE and ORDERED in Miami, Florida this 2nd day of November, 2016.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record
Akeem Muhammad, #706732
Union Correctional Institution
P.O. Box 1000
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