

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC DOWDY-EL, et al.,

Plaintiffs,

Case Number: 06-11765

v.

HON. AVERN COHN

PATRICIA L. CARUSO, et al.,

Defendants.

_____ /

ORDER DENYING MOTION FOR CONTEMPT (Doc. 219)

I.

Plaintiffs, Muslim inmates housed by the Michigan Department of Corrections (“MDOC”), sued challenging the defendant prison officials’ alleged failure to accommodate their requests to observe three distinct Islamic religious practices:

- (1) attending Jum’ah prayer services;
- (2) receiving a halal diet; and
- (3) participating in the Eid ul-Fitr and Eid ul-Adha Feasts (the “Eid feasts”)

The Court approved a settlement agreement between the parties that, among other things, required the MDOC to provide a halal meal. (Doc. 129). The MDOC now provides one religious meal that meets all religious requirements, including halal and Kosher. It is a soy based meal. The order approving the settlement (Settlement Order), states that “[t]his Court shall retain jurisdiction over this matter for the purpose of enabling . . . any class member to apply to this Court for the enforcement of any provision or the punishment of any violation of this Order . . .” (Doc. 129). Thus, the

Court retained jurisdiction to allow a class member to enforce any provision of the settlement agreement and allow for punishment if the MDOC is violating any provision.

Before the Court is David Lindensmith's motion for contempt ruling. For the reasons that follow, the motion is DENIED.

II.

Following entry of the settlement agreement, the Court has received a multitude of motions from prisoners complaining about various related and unrelated aspects of the settlement. Relevant to the instant motion, on September 28, 2015, David Lindensmith filed a Motion for Contempt Ruling. Lindensmith, who is on the religious diet, says that the director of the food service and food service workers have violated the settlement agreement by refusing his request to drink Kosher milk instead of soy milk. He says he filed a grievance which was denied at step II. He seeks injunctive relief and damages.

III.

Lindensmith seeks relief that is beyond the scope of the settlement agreement. Nothing in the Settlement Order requires the MDOC to provide a particular prisoner with a deviation from the religious diet. The MDOC agreed to make major policy changes to provide, among other things, prisoners of all religions with a diet that would meet their religious needs. The MDOC has done that. The settlement did not attempt to eradicate every conceivable issue a prisoner might come up with related to religious meals. As the Court has said in prior orders directed at other prisoners, if Lindensmith is dissatisfied with his individual situation then he should exhaust the grievance process and file his own lawsuit. Relief on an individualized basis is not within the confines of

this case.

SO ORDERED.

S/Avern Cohn _____
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: October 6, 2015
Detroit, Michigan