

LEGAL BULLETIN 2.1

Religious Rights in Prison

Disclaimer: While we have attempted to provide information that is current and useful, the law changes frequently. We cannot guarantee that all information is current. If you have access to a prison library, we suggest you confirm that the cases and statutes are still good law.

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Updated: August 2026

I. BACKGROUND AND HISTORY OF PRISONERS' RELIGIOUS RIGHTS

Religious Rights in the United States Constitution

The freedom to worship as one wishes, or not at all, without being pressured or obstructed by the government, is foundational to the system of government in the United States and is embodied in several constitutional Amendments. The **First Amendment** states “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .” U.S. Const. amend. I. The first part of the First Amendment is called the “Establishment Clause” and the second is referred to as the “Free Exercise Clause.” The Establishment Clause requires the government to act with neutrality regarding religion and not to favor one religious group over another. It also prohibits the government from coercing an individual to participate in any religion. The Free Exercise Clause protects an individual's right to practice their religion without government interference or obstruction.¹

The **Fourteenth Amendment's** Equal Protection Clause provides that “No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” See U.S. Const. amend. XIV. In the religious rights context, the Equal Protection Clause prohibits governments from discriminating against individuals based on their religious beliefs and practices.² Under the Equal Protection Clause, a prisoner has a “reasonable opportunity of pursuing his faith comparable to the opportunity afforded fellow prisoners who adhere to conventional religious precepts.” *Cruz v. Beto*, 405 U.S. 319, 322 (1972).

Supreme Court and Congressional actions dealing with religious exercise

In *Sherbert v. Verner*, 374 U.S. 398 (1963) and *Wisconsin v. Yoder*, 406 U.S. 205 (1972), the Supreme Court used a balancing test to determine whether a government action violated the First Amendment's Free Exercise Clause. Under the test, if a challenged government action was necessary to further a compelling government interest, it did not violate the Free Exercise Clause even if it substantially burdened religious exercise. Under this test, the government had the burden of demonstrating that its action (or law or policy) was necessary to further a compelling governmental interest. See *Sherbert*, 374 U.S. at 403; *Yoder*, 406 U.S. at 214.

Decades later, in *Employment Division v. Smith*, 494 U.S. 872 (1990), the Supreme Court rejected the *Sherbert/ Yoder* test and held that if a challenged government action is “neutral” and “generally applicable,” and incidentally burdens the exercise of religion, it will generally not violate the Free Exercise Clause. See *Smith*, at 878-882. Under *Smith*, it is much easier for the government to defeat a free exercise claim, because it only needs to show that a prison regulation is “neutral” and “generally applicable.”

¹ While these constitutional provisions explicitly refer to the federal government, they also apply to state and local governments by virtue of the Fourteenth Amendment, which provides that “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.” See U.S. Const. amend. XIV.

² Federal prisoners can bring equal protection claims under the Fifth Amendment's Due Process Clause.

In 1993, in response to *Smith*, Congress passed the **Religious Freedom Restoration Act (RFRA)**, 42 U.S.C. §§ 2000bb, *et seq.* RFRA was enacted to provide greater protection for religious exercise than is available under the First Amendment. *See Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 694-695 (2014).

RFRA essentially reinstated the *Sherbert/ Yoder* balancing test and provides:

“government³ shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability,” unless the government “demonstrates that application of the burden to the person –

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.”

42 U.S.C. §§ 2000bb-1(a), (b).

The legal landscape for religious rights did not remain settled for long after RFRA was enacted. In 1997, in *City of Boerne v. Flores*, 521 U.S. 507 (1997), the Supreme Court held that RFRA was unconstitutional as applied to states or municipalities, because Congress did not have authority under Section 5 of the Fourteenth Amendment to impose such restrictions on states and cities. *See City of Boerne*, at 532-536.

Three years later, in response to *City of Boerne*, Congress passed the **Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)**, 42 U.S.C. §§ 2000cc, *et seq.* Like RFRA, Congress passed RLUIPA to provide more protection for religious exercise than is provided by the First Amendment. Whereas RFRA applies to all actions of the federal government that affect individuals' religious practice, RLUIPA applies only to state and local government action pertaining to land use⁴ and the religious activities of institutionalized persons (including prisoners).

Section 3 of RLUIPA governs religious exercise by institutionalized people and provides:

“No government⁵ shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in Section 1997 of this title, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person –

(1) is in the furtherance of a compelling governmental interest; and,

³ RFRA defines "government" to include "a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States, or of a covered entity." *See* 42 U.S.C. § 2000bb-2(1). RFRA also applies to the District of Columbia government. *See Roman Catholic Archbishop of Washington v. Bowser*, 531 F. Supp 3d 22 (D.D.C. 2021).

⁴ Section 2 of RLUIPA governs land use regulation by state and municipal governments and is not covered by this bulletin.

⁵ RLUIPA defines “government” as: (i) a State, county, municipality, or other governmental entity created under the authority of a State; (ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and, (iii) any other person acting under color of State law; and (B) for the purposes of sections 2000cc-2(b) and 2000cc-3 of this title, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law. 42 U.S.C. § 2000cc-5 (4) (A) (Definitions).

(2) is the least restrictive means of furthering that compelling governmental interest.”

42 U.S.C. § 2000cc-1(a).

RFRA and RLUIPA apply to the wrongful conduct of individual government employees as well as to laws and policies. *See, e.g., Jama v. USINS*, 343 F. Supp 2d 338, 371-372 (D. N.J. 2004). Under both statutes, the government may be required to incur “expenses in its own operations to avoid imposing a substantial burden on religious exercise.” *See* 42 U.S.C. § 2000cc-3(c); *Hobby Lobby*, 573 U.S. at 729-730.

Many states have passed their own versions of religious freedom laws – sometimes called “state RFRA’s.” One might think that a state law protecting religious freedom would provide more protection for religious practice, but this is not always the case – especially for claims asserted by incarcerated people. For example, Virginia’s RFRA specifically excludes prisons from the list of entities that must comply with the statute. *See* VA. CODE ANN. § 57-2.02(A) (2009). Pennsylvania’s RFRA does not exclude claims by prisoners, but instead of applying the “strict scrutiny” standard for evaluating prison policies, the statute uses the *Turner v. Safley* standard (which is deferential to prison officials) if the claim is brought by a prisoner. *See* 71 P.S. § 2405(g). In addition, the statute does not permit plaintiffs (whether a prisoner or not) to obtain money damages. *See id.* at § 2405(f). The lesson here is that you need to research whether the state in which your claim arose has a law that protects religious exercise and, if so, whether that protection is available to you as a prisoner.

II. WHOSE RELIGIOUS RIGHTS ARE PROTECTED WHILE IN CUSTODY?

If you are in custody or detention in the United States, your religious rights are protected by the First Amendment, RFRA (federal custody), and RLUIPA (state or local custody). These sources of law protect the religious rights of pretrial detainees who are incarcerated pending trial, people who have been convicted but are awaiting sentencing, people who have been convicted and sentenced, and civil detainees, including people being held in immigration detention. A First Amendment claim can be asserted regardless of which form of detention you are in. In addition, people in federal custody (including immigration detainees) can assert claims under RFRA, and people in state and local custody can assert RLUIPA claims.

III. TIME LIMITS FOR ASSERTING A RELIGIOUS RIGHTS CLAIM

Neither RFRA nor RLUIPA include a time limit for bringing a claim. However, most courts apply a four-year statute of limitations, based on 28 U.S.C. § 1658(a) which provides a four-year limitations period for civil actions “arising under an Act of Congress enacted after December 1, 1990.”

The time limit for asserting a First Amendment or Fourteenth Amendment claim is based on the state statute of limitations for bringing a personal injury claim. For many states this is two years from the date of the injury. But some states have shorter or longer time periods. You will need to conduct research on this in order to assert your constitutional claim in a timely manner.⁶

IV. ELEMENTS OF RELIGIOUS RIGHTS CLAIMS

The requirements for asserting a violation of your religious rights depend on the type of claim.

First Amendment Free Exercise claim

To state a claim under the Free Exercise Clause, a plaintiff must allege facts that demonstrate that he

⁶ As explained in the PLRA Fact Sheet, if you are asserting your claim while incarcerated, you will need to fully exhaust administrative remedies *before* filing your lawsuit in court.

or she has a sincerely held religious belief and that his or her religious exercise was substantially burdened by government action. *Hernandez v. Comm'r of Internal Revenue*, 490 U.S. 680, 699 (1989). In the prison setting, if a plaintiff makes this initial showing, the burden shifts to the government to show that the policy (or regulation or rule) at issue is “reasonably related to legitimate penological interests.” See *O’Lone v. Estate of Shabazz*, 482 U.S. 342, 349 (1987). To carry out this analysis, a court must consider and weigh the factors set forth in *Turner v. Safley*, 482 U.S. 78 (1987). See *id.* at 349-350. The *Turner* factors are: 1) whether there is a valid, rational connection between a state interest and a prison regulation; 2) whether prisoners have an alternative method of exercising the constitutional right; 3) the impact accommodation of the asserted constitutional right would have on guards and other inmates and on the allocation of prison resources generally; and 4) the absence of ready alternatives to the challenged regulation. *Turner*, 482 U.S. at 89-90.

If prison officials demonstrate that a “reasonable relationship” (sometimes called a “rational relationship”) exists between a governmental interest and a prison rule, the burden then shifts back to the plaintiff, who must then *disprove* the validity of the policy/ regulation/ rule. See *Overton v. Bazzetta*, 539 U.S. 126, 132 (2003).

Constitutional claims can be difficult for an incarcerated plaintiff to win, because the government can usually easily fulfill the first *Turner* factor by showing that there is a “reasonable relationship” between its actions and a “legitimate penological interest” such as “security,” “order,” “safety,” or cost. It can be very difficult for a plaintiff to then disprove that there is a rational relationship between the prison rule and the stated “penological interest.” Another challenge for plaintiffs bringing constitutional claims is that courts assessing the *Turner* factors almost always give deference to the decisions of prison officials.

First Amendment Establishment Clause claim

The Establishment Clause prohibits government from coercing⁷ an individual to participate in religion. See *Kennedy v. Bremerton Sch. District*, 597 U.S. 507, 536-537 (2022) (“Government may not . . . make a religious observance compulsory. Government may not coerce anyone to attend church, nor may it force citizens to engage in a formal religious exercise.”); *Everson v. Bd. of Ed. of Ewing Twp.*, 330 U.S. 1, 15–16 (1947) (the State cannot “force ... a person to go to ... church against his will,” nor punish a person for “non-attendance.”). A textbook example of such coercion is shown in *Erie v. Hunter*, 675 F. Supp 3d 647 (M.D. La. 2023). In *Erie*, a care provider at a state run psychiatric hospital required a civil detainee to accompany her to a Christian church service under threat of physical force. See *Erie* at 650. The district court denied summary judgment to the defendant, noting that “this is a coercion case, plain as day, asking simply whether the State unlawfully compelled Mr. Erie to attend a worship service against his will.” *Id.* at 659. In most other cases, the coercion is more subtle. See, e.g., *Norwood v. Burke County Sheriff's Dep't*, Case No. 1:24-cv-00191-FDW, 2024 WL 3974244, at * 7 (W.D. N.C. Aug. 26, 2024) (plaintiff, who was Muslim and had been denied Jumu'ah (group) worship services, stated an Establishment Clause claim against two jail employees who forced him to attend Thanksgiving and Christmas services and denied his requests for fasting accommodations during Ramadan); *Miller v. Marshall*, 682 F. Supp 3d 559, 574-577 (S.D.W.Va. 2023) (prison's requirement that inmates participate in substance abuse treatment program containing religious elements in order to be eligible for parole violated Establishment Clause because it is coercive).

The Establishment Clause also requires “governmental neutrality between religion and religion, and between religion and non religion.” *McCreary County v. ACLU*, 545 U.S. 844, 860 (2005) (citations omitted). In other words, the Establishment Clause prohibits government from favoring one religion over

⁷ “Coercion” means that some type of force (or threat of force) or pressure is used to make you do something. Coercion can involve physical force or some other type of pressure.

another.⁸

Equal Protection claim

To state an Equal Protection claim, a plaintiff must show that he or she is “similarly situated” to prisoners who follow other religions, that prison officials treated the plaintiff differently than prisoners of other religions with regard to the practice of religion, and that this unequal treatment was the result of intentional discrimination on the part of the prison officials. *See Morrison v. Garraghty*, 239 F.3d 648, 653-654 (4th Cir. 2001). After the plaintiff makes this showing, a court will weigh the *Turner v. Safley* factors to determine if there is a reasonable relationship between the prison officials' policy or actions and a “legitimate penological purpose.” *See id.* at 655-656.

RFRA and RLUIPA claims

To state a claim under RFRA or RLUIPA, a plaintiff must show that they have a sincerely held religious belief and that prison officials' policies or actions substantially burdened their ability to practice their religion. *See Washington v. Klem*, 497 F.3d 272, 277–78 (3d Cir. 2007). If the plaintiff meets that burden, then the burden shifts to the defendant prison official to show that the policy or practice furthers a compelling government interest *and* is the least restrictive means of doing so. *See Holt v. Hobbs*, 574 U.S. 352, 362-363 (2015).

Congress enacted RFRA and RLUIPA in order to provide more protection for religious exercise than is available under the Constitution. *Ramirez v. Collier*, 595 U.S. 411, 424 (2022) (citation omitted). Thus, to avoid liability, the government has to do more than satisfy the lenient “reasonable relationship” standard of *Turner v. Safley* – it must demonstrate that imposing the substantial burden *on the particular person's* religious practice is the “least restrictive means of furthering a compelling governmental interest.” *See* 42 U.S.C. §§ 2000bb-1(a), (b) (RFRA); 42 U.S.C. § 2000cc-1(a) (RLUIPA). Because of this stringent standard, courts are usually not as deferential to the government when evaluating claims brought under RFRA or RLUIPA. As the Supreme Court has observed, under RLUIPA, a court cannot “defer to . . . prison officials’ mere say-so that they could not accommodate [a prisoner’s] request.” *Holt*, 574 U.S. at 369. In other words, the government must provide a valid reason for its actions *in the particular circumstances of the case*, instead of asking the court to defer to its judgment on how best to maintain “safety” and “security” generally in the prison.

V. COURTS' INTERPRETATIONS OF KEY TERMS

How is “religion” defined by the courts?

Neither the First Amendment, RFRA nor RLUIPA define the word “religion.” In cases involving an unorthodox religion, or a belief system that is unfamiliar to the general public (or to the court), courts have had to address the question whether the plaintiff's beliefs and practices constitute a “religion.” The analysis

⁸ Until fairly recently, courts used the test set forth in *Lemon v. Kurtzman* (the “Lemon” test) to assess whether government action violated the Establishment Clause by favoring one religion over another. Under the *Lemon* test, a government action was constitutional if it: (1) has a secular (non-religious) legislative purpose; (2) has a “principal or primary effect . . . that neither advances nor inhibits religion,” and, (3) does not “foster an excessive government entanglement with religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 612–13 (1971) (internal quotation marks omitted). Courts also used the “endorsement test” which focused on whether a reasonable, informed person would perceive a governmental act as an endorsement or disapproval of religion. *See Lynch v. Donnelly*, 465 U.S. 668, 688–89 (1984) (O’Connor, J., concurring). In *Kennedy*, however, the Supreme Court abandoned both the *Lemon* test and the “endorsement” test and held that a court must look to “historical practices and understandings” regarding the establishment of religion in order to determine whether a government action [other than coercion] has violated the Establishment Clause. *See Kennedy*, 597 U.S. at 535-536. After *Kennedy*, it is much more difficult to assert an Establishment Clause claim unless it is based on coercion.

often focuses on what is *not* required for a “religion” to be found to exist. For example, the Supreme Court has held that “sincerely held” religious beliefs can constitute a religion, and adherence to an official, established religious sect was not necessary. *See Frazee v. Ill. Dep’t of Employment Sec.*, 489 U.S. 829, 832-834 (1989). *See also Thomas v. Review Bd. of Indiana Empl. Sec. Div.*, 450 U.S. 707, 714 (1981) (a belief does not have to be shared by all members of a religious sect in order to receive First Amendment protection nor does a religious belief need to be “acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection.”); *Africa v. Pennsylvania*, 662 F.2d 1025, 1031 (3d Cir. 1981) (observing that “[j]udges are ill-equipped to examine the breadth and content of an avowed religion; we must avoid any predisposition toward conventional religions so that unfamiliar faiths are not branded mere secular beliefs.”).

How does a court determine if a religious belief is “sincerely held”?

Prison officials are permitted to investigate the sincerity of a prisoner's religious belief, by reviewing their day-to-day activities. *See Marria v. Broaddus*, No. 97 Civ. 8297 NRB, 2003 WL 21782633, at *8-9 (S.D. N.Y. July 31, 2003) (the sincerity of an inmate's beliefs can be drawn from the structure of his daily lifestyle as well as other factors). For example, in religious diet cases, prison officials can present evidence of commissary purchases to support their argument that the plaintiff's religious beliefs concerning diet are not sincere. *See, e.g., Sharp v. Liebel*, Cause No. 3:20-cv-327-JD-MGG, 2021 WL 4147036, at *6 (N.D. Ind., Sept. 13, 2021) (plaintiff's purchase of non-halal food from commissary was relevant to the question of the sincerity of his beliefs but not definitive).

Prison officials are permitted to consider the tenets of the religion when deciding if an inmate's religious beliefs are sincere. *See, e.g., Vinning-El v. Evans*, 657 F.3d 591, 594 (7th Cir. 2011) (“For the more a person's professed beliefs differ from the orthodox beliefs of his faith, the less likely they are to be sincerely held.”) However, it is not necessary for a plaintiff to demonstrate that he or she has completely or perfectly adhered to their religious beliefs in order to show that those beliefs are sincere. *See Reed v. Faulkner*, 842 F.2d 960, 963 (7th Cir. 1988) (“the fact that a person does not adhere steadfastly to every tenet of his faith does not mark him as insincere”). For example, in a case involving the plaintiffs' religious belief that they must wear kufis, evidence that Muslim inmates sometimes chose not to wear kufis and that the Qur'an may not in fact require Muslims to wear kufis was not sufficient to establish that the plaintiffs' belief was not sincere. *See Holt v. Payne*, 85 F.4th 873, 878-879 (8th Cir. 2023).

While it is appropriate for a court to assess whether or not a prisoner's religious belief is “sincerely held,” a court cannot question whether the belief is “valid” or “true.” *Cutter v. Wilkinson*, 544 U.S. 709, 725 n.13 (2005). *See also Fuqua v. Raak*, 120 F.4th 1346, 1355 (9th Cir. 2024) (rejecting prison chaplain's argument that prisoner's religious beliefs were “false” and observing that RLUIPA does not permit a court - or a prison official - to judge the validity of a prisoner's religious beliefs).

What is “the exercise of religion”?

The “exercise of religion” includes the performance of or abstention from physical acts that are done for religious reasons – not just the existence or profession of a belief system. *Hobby Lobby*, 573 U.S. at 710 (citation omitted). In other words, in order to bring a religious exercise claim, you need to be able to show that prison officials prevented you from *doing something* (or forced you to *do something*) – not merely that your religious ideas were affected.

What is a “substantial burden” on the exercise of religion?

“Substantial burden” is not defined by the statutes, and courts have interpreted this phrase in various ways. *See, e.g., Washington*, 497 F.3d at 280 (a substantial burden exists where: (1) a follower is forced to choose between following the precepts of his religion and forfeiting benefits otherwise generally available

to other inmates versus abandoning one of the precepts of his religion in order to receive a benefit; or (2) the government puts substantial pressure on an adherent to substantially modify his behavior and to violate his beliefs); *Warsoldier v. Woodford*, 418 F.3d 989, 995 (9th Cir. 2005) (in order to demonstrate a “substantial burden” a plaintiff must allege facts that show that he or she was pressured to “modify his / her behavior and to violate his/ her beliefs.”)

A substantial burden can be direct, such as “forbidding conduct that an inmate believes he is religiously compelled to do” or “compelling an inmate to do that which he believes he is religiously forbidden from doing” or it can be indirect, such as by granting privileges in a way that “encourages an inmate to do what he is religiously prohibited or discouraged from doing” or by “discouraging an inmate from doing that which he is religiously compelled or encouraged to do.” *Jones v. Slade*, 23 F.4th 1124, 1140 (9th Cir. 2022).

Not every imposition or inconvenience on religious freedom rises to the level of a substantial burden. Some burdens have been found to be “*de minimis*” and therefore not in violation of religious rights. “*De minimis*” is a Latin term that means that a fact is “so insignificant that a court may overlook it in deciding an issue or case.” See Black’s Law Dictionary, Abr. Seventh Ed. at 352. If a court finds that the burden on a plaintiff is “*de minimis*,” the claim will not proceed. For example, in *Rapier v. Harris*, the court found that the denial of a pork-free meal to a Muslim prisoner on three occasions out of approximately 810 meals was a *de minimis* burden and did not violate the Free Exercise Clause. See *Rapier*, 172 F.3d 999, 1006, n.4 (7th Cir. 1999).

Drafting tip: When you are drafting your complaint, be sure to provide details about how, exactly, your religious beliefs or practices are burdened by the government action. If you simply include vague allegations instead of specific facts, your complaint may be dismissed. See, e.g., *Newberg v. Wellpath Recovery Solutions*, No. 2:20-cv-646-JLB-NPM, 2024 WL 4212970, at *6 (M.D. Fla. Sept. 17, 2024) (dismissing damages claims because the complaint did not have sufficient detailed facts and merely referred generally to documents submitted to the court in prior cases); *Dunn v. White*, 880 F.2d 1188, 1198 (10th Cir. 1989) (plaintiff’s mere use of the word “religion” in his complaint, without providing any information about his religious beliefs or any explanation about how those beliefs prohibited him from being tested for HIV/AIDS was insufficient to state a Free Exercise claim).

Does a prisoner plaintiff have to show that he or she has no alternative means for practicing his or her religion?

For a Free Exercise claim – yes - a court can consider whether the prisoner has an alternative means to practice his religion and can find that there is no constitutional violation if there is an alternative. See *Holt*, 574 U.S. at 361 (citations omitted). By contrast, for a RFRA or RLUIPA claim, if the government imposes a substantial burden on a plaintiff’s religious exercise, it does not matter if the plaintiff has an alternative means of practicing the religion. See *id.* at 361-362.

Does the impacted religious practice have to be mandatory or central to the prisoner’s religion in order for there to be a “substantial burden”?

The answer depends on which type of claim you are asserting. For a Free Exercise claim, the burdened practice must be central to the plaintiff’s religion. See, e.g., *Hernandez*, 490 U.S. at 699 (“The free exercise inquiry asks whether government has placed a substantial burden on the observation of a central religious belief or practice and, if so, whether a compelling governmental interest justifies the burden.”). By contrast, RFRA and RLUIPA both expressly define “religious exercise” as “any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” See 42 U.S.C. § 2000cc-5(7)(A) (RLUIPA) (emphasis added); § 2000bb-2(4) (RFRA). Therefore, for RFRA and RLUIPA claims

you are not required to show that your impacted religious exercise or belief was central to your faith. In RFRA and RLUIPA cases, courts have repeatedly rejected prison officials' arguments that there was no “substantial burden” on an inmate's religious practice because the activity at issue was not “central” to the inmate's religion. For example, in *Davis v. Wigen*, 82 F.4th 204, 212-213 (3d Cir. 2023), the court held that although marriage is not mandated by the Christian religion, prison officials' refusal to permit plaintiffs to marry imposed a substantial burden on plaintiffs' religious exercise under RFRA.

VI. AVAILABLE RELIEF

Injunctive Relief against governments and their employees acting in their official capacities

An injunction is a court order directing prison officials either to stop doing something that violates the plaintiff's rights or to take some positive action (such as changing a policy or rule) in order to permit the plaintiff to exercise their rights. **State prisoners** can seek injunctive relief for violations of their religious rights under both the First Amendment and RLUIPA. Such claims must be asserted against prison officials acting in their *official capacity* who are responsible for the rule/ policy/ practice that violated the plaintiff's rights. **Local (county/ municipal) prisoners** can seek injunctive relief for a First Amendment violation by asserting a *Monell* claim against the county or municipality by showing that the violation was the product of the county/ municipality's official policy or unofficial custom. County/ municipal prisoners can also seek injunctive relief against a county or municipality under RLUIPA. **Federal prisoners** can seek injunctive relief for a violation of their rights under RFRA or by filing a First Amendment claim under 28 U.S.C. § 1331, which is the statute conferring jurisdiction to a federal court over constitutional claims.

Injunctive Relief against private prison companies and their employees

Because a private prison company is contracted to perform the work of a governmental entity, if you are being held in a facility that is operated by a private prison company you can seek injunctive relief against that company (and its employees sued in their official capacities) for violations of your religious rights. *See, e.g., Davis*, 82 F.4th at 213 (RFRA applies to private prison companies (and their employees) who are acting as an “instrumentality” of the federal government); *Juarez v. Asher*, Case No. C20-700 JLR-MLP, 2021 WL 1946222, at *4 (W.D. Wash. May 14, 2021) (warden of federal immigration detention center who was an employee of a private prison company could be sued in his official capacity for injunctive relief for constitutional violations); *Cephas v. George W. Hill Corr. Facility*, Civ. No. 09-6014, 2011 WL 2695311, at *2 (E.D. Pa. July 12, 2011) (Section 1983 claim for injunctive relief against private prison company operating county jail must allege that plaintiff's constitutional rights were violated as a result of the company's institutional policy or custom) (citing *Monell v. Dep't of Soc. Servs. Of New York*, 436 U.S. 658, 691, 694 (1978)); *Dean v. Corr. Corp. of America*, 540 F. Supp 2d 691, 693-94 (N.D. Miss. 2008) (RLUIPA applies to private prison companies that contract with government agencies which receive federal funds); *West v. Atkins*, 487 U.S. 42 (1988) (private parties acting “under color of state law” can be sued for constitutional violations under 42 U.S.C. § 1983).

Note: You generally cannot get injunctive relief if you are no longer incarcerated at the facility where the violation occurred – for example, if you are transferred or released. Also, if the circumstances surrounding the violation of your rights have changed, you may need to demonstrate that the same violation will likely happen in the future unless the court issues an injunction.

Monetary Damages

Monetary damages are available for First Amendment violations committed by state and local prison officials acting in their *individual* capacities, under 42 U.S.C. § 1983. In order to state a claim for monetary damages you need to show that the individual defendant was personally involved in violating your First Amendment rights.

State prisoners cannot seek monetary damages against state governments (or state officials sued in their *official capacity*) for violations under the First Amendment because states enjoy sovereign immunity from such suits in federal court. *See Will v. Mich. Dep't of State Police*, 491 U.S. 58, 66 (1989). States (and state officials sued in their official capacity) are also immune from suits for monetary damages under RLUIPA. *See Sossamon v. Texas*, 563 U.S. 277, 285 (2011).

The Supreme Court recently held that state prisoners cannot sue state employees in their individual capacities for monetary damages under RLUIPA, because that statute was enacted under Congress's Spending Clause authority. *See Landor v. Louisiana Dep't of Corr. and Public Safety*, 609 U.S. ___, (June 23, 2026).

Prisoners in local custody may seek monetary relief in an RLUIPA claim against the county or municipality responsible for operating the jail (and against municipal employees in their official capacity), as municipalities cannot assert sovereign immunity as a defense to such claims. *See, e.g., Clark v. City of New York*, 560 F. Supp 3d 732, 740 (S.D. N.Y. 2021) (RLUIPA did not foreclose damages claim against municipality); *Lighthouse Inst. for Evangelism, Inc. v. City of Long Branch*, 510 F.3d 253, 261–73 (3d Cir. 2007) (permitting a claim for compensatory damages under RLUIPA to proceed against a municipality).

A **federal prisoner** can seek monetary damages against prison officials sued in their *individual capacity* under RFRA. *Tanzin v. Tanvier*, 592 U.S. 43 (2020) (holding that “appropriate relief against a government” in the RFRA statute includes monetary damages against a defendant sued in his or her individual capacity) (citing 42 U.S.C. § 2000bb-1(c)). However, a **federal prisoner** cannot seek damages against a defendant in his or her individual capacity for a First Amendment violation due to the decimation of the *Bivens* doctrine over the past nine years.⁹

In addition, many circuits have held that RFRA does not permit monetary damages claims against the federal government itself (or against federal employees in their official capacity) because the statute does not unambiguously waive the federal government's sovereign immunity. *See, e.g., Morgan v. BOP*, 129 F.4th 1043, 1050-1051 (7th Cir. 2025) (citing cases).

Note: For any monetary damages claim against a defendant in their individual capacity, the defendant can assert the defense of qualified immunity. The test for qualified immunity is whether it was clearly established at the time of the challenged conduct that the conduct violated the plaintiff's rights.¹⁰

Note: If you file your lawsuit while you are still incarcerated your claim might be subject to the Prison Litigation Reform Act's (PLRA) “mental or emotional injury” provision which limits the award of compensatory damages to cases where the plaintiff suffered physical injury. *See* 42 U.S.C. § 1997e(e). Even though physical injury is rarely part of a religious rights violation, some courts have applied this provision to religious rights claims. Be sure to research how your Circuit handles the application of this PLRA provision.

VII. ISSUES OFTEN RAISED IN RELIGIOUS RIGHTS CLAIMS

Interference with prayer

Staff members' active interference with prayer can violate a prisoner's religious rights. *See, e.g., Mack v. Yost*, 63 F.4th 211 (3d Cir. 2023) (staff at federal prison substantially burdened Muslim plaintiff's religious exercise by pressuring him to stop praying and creating a hostile environment during his attempts

⁹ For more information on this issue, see the *Bivens* Fact Sheet.

¹⁰ For more information about qualified immunity, see Bulletin 1.1 Civil Actions.

to pray).

Grooming

Prison regulations governing hair and beard length are frequently challenged on religious grounds. In First Amendment claims, which are analyzed under the deferential *Turner v. Safley* standard, security reasons are usually found to be a legitimate governmental interest that justifies restrictive grooming regulations. *See, e.g., Pollock v. Marshall*, 845 F.2d 656, 659 (6th Cir. 1988) (quick identification of inmates and preventing inmates from hiding contraband justified prison regulation prohibiting long hair). Grooming claims asserted under RFRA and RLUIPA often fare better, due to the more favorable legal standard. In *Holt v. Hobbs*, an RLUIPA case, the Supreme Court held that a prison regulation prohibiting inmates from growing beards of any length (other than for medical reasons) substantially burdened a Muslim inmate's religious belief where prison officials refused to grant him permission to grow a ½ inch beard and told him that if he disobeyed the prison rule he would be punished. *Holt*, 574 U.S. at 361. The Supreme Court concluded that prison officials failed to make the required showing that the grooming policy was the least restrictive means of furthering its compelling governmental interest in prison safety and security, rejecting the officials' argument that ½ inch beards posed safety concerns because they could be used to hide contraband or to enable inmates to disguise themselves. *See id.* at 366-367.

Religious dress and head wear

Prior to the enactment of RLUIPA and RFRA, First Amendment claims based on restrictions on religious head wear were frequently decided in favor of prison officials – based on security and safety rationales. *See, e.g., Young v. Lane*, 922 F.2d 370, 375-77 (7th Cir. 1991) (applying *Turner* to uphold ban on Jewish inmates wearing yarmalukes except in cells and at religious services because they could be used to hide contraband); *Muhammad v. Lynaugh*, 966 F.2d 901, 902-03 (5th Cir. 1992) (same – ban on kufis outside of cells and chapel).

Claims asserted under RFRA and RLUIPA can be easier for prisoner plaintiffs to win. For example, in *Ali v. Stephens*, the plaintiff brought an RLUIPA claim challenging the Texas prison system's ban on Muslim inmates wearing kufis anywhere other than inside their cells or while attending a religious ceremony. After a five-day bench trial, the district court granted an injunction which allowed the plaintiff to wear his kufi throughout the prison. *See Ali v. Stephens*, 69 F. Supp 3d 633, 654-55 (E.D. Tex. 2014). On appeal, prison officials asserted the familiar arguments that permitting inmates to wear kufis outside their cells would hamper prison staff's ability to identify them and would enable inmates to hide contraband. *See Ali*, 822 F.3d 776, 794 (5th Cir. 2016). The Fifth Circuit rejected these arguments, reasoning that it would be no more difficult to identify an inmate wearing a kufi than an inmate wearing a cap or hat related to his prison job (which were permitted) and that kufis could be removed and searched by prison staff in order to check for contraband. *See id.* at 795-797.

Requiring Muslim women to have their photographs taken by law enforcement officers without their hijab (head covering) has been found to violate both RFRA and RLUIPA. *See, e.g., Jama v. Marshall*, Case No. 0:23-cv-03075-JMB-SGE, 2026 WL 821856, at *4-6 (D. Minn. March 25, 2026) (Bryan, J.) (RFRA violation found where plaintiff was forced by federal prison officials to have her identification photo taken without her hijab); *Omeish v. Kincaid*, 616 F. Supp 3d 486, 495-497 (E.D. Va. July 22, 2022) (O'Grady, J.) *aff'd in part*, 86 F.4th 546 (4th Cir. 2024) (RLUIPA violation based on county sheriff's office taking and retaining hijab-less booking photo of plaintiff).

Religious diets

It is well settled that prisoners have a First Amendment right to a diet that conforms to their religious beliefs. *See Thompson v. Holm*, 809 F.3d 376, 380 (7th Cir. 2016) (“[F]orcing an inmate to choose

between daily nutrition and religious practice is a substantial burden [on religious exercise].”); *McElyea v. Babbitt*, 833 F.2d 196, 198 (9th Cir. 1987) (inmates have the right to be “provided with food sufficient to sustain them in good health that satisfies the dietary laws of their religion.”) (citation omitted). RFRA and RLUIPA also protect prisoners' right to maintain a religious diet. See *Rich v. Florida*, 716 F.3d 525, 533-534 (11th Cir. 2013) (prison officials failed to carry their burden under RLUIPA of showing that the policy of not providing kosher meals furthered the stated governmental interests of prison safety or cost control); *Lovelace v. Lee*, 472 F.3d 174, 187 (4th Cir. 2006) (denying Muslim prisoner special Ramadan meals 24 out of 30 days constitutes a substantial burden under RLUIPA).

However, this right is not unlimited. For example, courts have held that the First Amendment does not require prisons to provide separate kosher and halal meals – it is permissible for a prison to offer just one type of meal to both Jewish and Muslim populations instead. See *Patel v. U.S. Bureau of Prisons*, 515 F.3d 807, 810 (8th Cir. 2008). Prison officials may deny a special diet if they find that the prisoner is insincere in his religious beliefs. See *McElyea*, 833 F.2d at 198. However, a prisoner's claim that he sincerely believes a religious alternative is appropriate, combined with a claim that being excluded interferes with his faith, usually satisfies the “sincerity of belief” test. See *Shakur v. Schriro*, 514 F.3d 878, 889 (9th Cir. 2008) (prisoner sincerely believed that the prison's kosher diet satisfied his Muslim religious beliefs).

Timing of meal delivery during religious fasts

The timing of meal delivery for prisoners observing a religious fast can also implicate religious rights. In *Mayberry v. Johnson*, the plaintiff alleged that a substantial burden was imposed when he was given meal sacks on Friday to be held and eaten on Saturday. The plaintiff claimed that because of this practice, he is not given food on Saturday when he breaks his fast and therefore suffers with stomach pains and headaches. On initial screening, the court found that this practice did not violate the First Amendment, because the plaintiff is provided with Saturday's food the day before and he is responsible for portioning it out himself on Saturday. See *Mayberry*, No. 3:24-cv-187-HAB-SLC, 2024 WL 3088306, at *2 (N.D. Ind., June 18, 2024). By contrast, in *Long v. Sugai*, the Ninth Circuit found that the delivery of a Muslim plaintiff's evening meal several hours before the end of his fast during Ramadan was a substantial burden on his religious exercise under the First Amendment. See *Long*, 91 F.4th 1331, 1337-1338 (9th Cir. 2024).

More than de minimis burdens

The duration of a violation can be important in diet-related claims. See, e.g., *Bocina v. Northampton County Jail*, Civ. No. 24-cv-3262, 2025 WL 2648231, at *6 (E.D. Pa. Sep. 12, 2025) (denial of a kosher meal for 56 days was more than a “*de minimis*” burden on religious exercise); *Wilson v. City of New York*, No. 12 Civ. 3021 (JMF), 2013 WL 4710386, at *4 (S.D. N.Y. Aug. 30, 2013) (denial of at least one religious meal per day for 15 days plausibly alleged a substantial burden under the First Amendment and RLUIPA).

Possession of religious items

Prison bans on religious items for safety and security reasons are usually upheld by courts. See, e.g., *Rouser v. White*, 630 F. Supp 2d 1165, 1190 (E.D. Cal. 2009) (policy prohibiting Wiccan inmate's possession of incense and candles rationally related to safety concerns); *Ward v. Walsh*, 1 F.3d 873, 879 (9th Cir. 1993) (same – Orthodox Jewish inmate denied candles); *Mayfield v. Texas*, 529 F.3d 599, 611-612 (5th Cir. 2008) (prohibition of inmates' personal possession of runestones was reasonably related to security interests, as runestones could be used for gambling, gang identification, or secret communication between inmates). As with other categories of religious rights claims, RFRA and RLUIPA claims regarding religious objects may be easier for prisoners to win. For example, the Ninth Circuit has held that banning a Muslim prisoner from keeping a small amount of scented oil in his cell to anoint himself before daily

prayers substantially burdened his religious beliefs under RLUIPA. *See Johnson v. Baker*, 23 F.4th 1209, 1215-1216 (9th Cir. 2022). The court also found that the government had failed to show that the regulation was least restrictive means of serving its compelling interest. *Id.* at 1218. *See also Davis v. Abercrombie*, Civ. No. 11-00144 LEK, 2014 WL 2716856, at *30 (D. Haw. June 13, 2014) (RLUIPA claim based on denial of daily access to personal amulets by practitioners of Native Hawaiian religion permitted to proceed to trial).

Note: Even if a court rules that a prison cannot ban certain religious items, this does not mean that a prison is required to purchase such items for inmates' use. *See Cutter*, 544 U.S. at 720, n.8 (“Directed at obstructions institutional arrangements place on religious observances, RLUIPA does not require a State to pay for an inmate's devotional accessories.”)

Religious literature and written materials

Denying access to religious texts can violate prisoners' religious rights. *See, e.g., Jones*, 23 F.4th at 1140 (jury could find that plaintiff's religious exercise of reading Nation of Islam religious texts during Ramadan was substantially burdened under RLUIPA by the prohibition of the texts as “contraband”); *Negrete v. New Jersey*, No. 19-CV-18480-GC-DEA, 2022 WL 17324929, at *11, 13 (D.N.J. Nov. 29, 2022) (denial of access to Qur'an for over three months while inmate was in segregation was a substantial burden on free exercise).

However, prison officials are permitted to impose limits on the amount of material an inmate can keep in his or her cell - even if this restricts access to religious material. In *Carawan v. Mitchell*, the court upheld a limit on the number of books permitted in a cell due to fire risks and sanitation hazards. *See Carawan*, 400 F. Supp 3d 371, 391-392 (W.D. N.C. 2019). *See also Pfeil v. Lampert*, 11 F.Supp.3d 1099, 1113 (D. Wyo. 2014), *aff'd* 603 F. App'x 665 (10th Cir. 2015) (safety-related prohibition on hardbound books did not substantially burden prisoner's religious exercise where prison library had softbound religious books available). Content-based rules banning religious materials that are deemed inflammatory and possibly inciting of violence have also been upheld by courts. *See, e.g., Forter v. Geer*, 868 F.Supp.2d 1091, 1100-1103 (D. Or. 2012), *aff'd* 536 F. App'x 724 (9th Cir. 2013) (no First Amendment violation from prison ban on religious pamphlets containing racially inflammatory content).

Religious name changes

Courts have recognized that an inmate has a right to adopt and use a religious name while in prison. *See, e.g., Malik v. Brown (“Malik I”)*, 16 F.3d 330, 335 (9th Cir. 1994) (a prisoner's use of his Muslim name was an expression of his religious faith and he was entitled to use both his religious name and his commitment name on correspondence and other documents); *Felix v. Rolan*, 833 F.2d 517, 518 (5th Cir. 1987) (“The adoption of Muslim names by inmates practicing that religion is generally recognized to be an exercise of both First Amendment speech and religious freedom.”).

However, prison officials' need to ensure accurate identification of inmates and maintain meaningful records is considered a legitimate penological interest which can justify limitations on name use. *See Felix*, 833 F.2d at 519. Administrative costs of reorganizing prison records each time an inmate changes his or her name have also been held to be valid concerns. *See Malik v. Brown (“Malik II”)*, 71 F.3d 724, 728-729 (9th Cir. 1995) (prisons are not required to alter their filing system to accommodate inmates' new names and are only required to recognize legal name changes).

Many courts have upheld compromise solutions in which the prisoner is permitted to use his or her religious name alongside their commitment name. *See, e.g., Fawaad v. Jones*, 81 F.3d 1084, 1087 (11th Cir. 1996) (dual name requirement was the least restrictive means of furthering the compelling government

interest of maintaining prison security); *Salaam v. Lockhart*, 905 F.2d 1168 (8th Cir. 1990) (ordering prison to use “a/k/a” designation with inmate’s commitment name and new religious name, as a reasonable alternative to prison policy permitting only committed names).

Access to religious / spiritual advisors

Prisoners have a right to have access to religious or spiritual advisors. However, it is not an unlimited right, and courts have upheld a variety of limitations on it. *See, e.g., Hartmann v. California Dep’t of Corr. & Rehab.*, 707 F.3d 1114, 1122 (9th Cir. 2013) (“It is well settled that the First amendment does not require prison administration to provide inmates with the chaplain of their choice.”); *Ward*, F.3d at 880 (First Amendment did not require prison officials to have a rabbi on staff for a single Orthodox Jewish prisoner); *Weir v. Nix*, 114 F.3d 817, 820-821 (8th Cir. 1997) (there is no right under the First Amendment or RFRA to have a spiritual advisor whose spiritual/ religious beliefs are 100 % congruent with an inmate’s) (citation omitted).

Group services and prayer

It is well settled that group worship is an “exercise of religion” entitled to constitutional protection. *See Cutter*, 544 U.S. at 720 (citation omitted). Prisoners, too, have a right to worship in a group – with limitations based on safety and security. In *O’Lone v. Estate of Shabazz*, Muslim prisoners asserted a First Amendment challenge to a prison policy governing the timing of prisoners’ return from work details, because the policy prevented them from attending Jumu’ah – a religiously required weekly group prayer service. *O’Lone*, 482 U.S. 342 (1987). The Supreme Court upheld the policy as reasonably related to the prison’s interest in maintaining order and security. *See id.* at 349. The Court held that the Free Exercise Clause does not require that a prisoner be able to exercise his or her religion in the manner they wish to – it requires only that the prisoner have a *reasonable opportunity – in general* – to practice their religion. *See id.* at 350-352 (emphasis added). Because the plaintiffs had other ways to practice their religion, the Supreme Court found that their Free Exercise rights were not violated by the work return policy. *See id.*

While limits based on security interests have been upheld by courts, categorical bans on group services are disfavored. *See, e.g., Bucklew v. Gore*, No. 21-0810, 2023 WL 4056043, at *2, *4 (S.D. Cal. June 16, 2023) (completely blocking plaintiff’s access to Christian communion and church services would impose a substantial burden under RLUIPA); *Haight v. Thompson*, 763 F.3d 554, 564 (6th Cir. 2014) (complete denial of access to a sweat lodge for religious ceremonies stated an RLUIPA claim by members of Native American Church); *Davis v. Abercrombie*, 2014 WL 2716856, at *23-25 (outright ban on daily outdoor group worship by Native Hawaiian religion practitioners imposed substantial burden under RLUIPA and Free Exercise Clause).

The Free Exercise Clause does not require prisons to provide every religious sect with identical facilities or personnel for group worship. *See Cruz*, 405 U.S. at 322, n.2 (“[a] special chapel or place of worship need not be provided for every faith regardless of size; nor must a chaplain, priest, or minister be provided without regard to the extent of the demand.”). Courts have extended this reasoning to RFRA and RLUIPA claims. *See Smith v. Kyler*, 295 F. App’x 479, 481 (3d Cir. 2008), *cert. denied*, 557 U.S. 924 (2009) (PA DOC’s policy to provide paid chaplains only for the largest major faith groups did not violate Rastafarian inmate’s rights under First Amendment or RLUIPA); *Crosley-El v. Berge*, 896 F. Supp. 885, 888-889 (E.D. Wisc. 1995) (no substantial burden under RFRA existed where prison failed to provide separate Moorish services and provided only one general Muslim service).

Cross-gender pat searches

In *Forde v. Baird*, the plaintiff, a Muslim woman in federal prison, asserted that the BOP’s policy permitting cross-gender pat searches of female inmates, outside of emergency situations, violated her right

under RFRA to exercise her religion freely. Plaintiff's religion required that she not be touched by any adult males outside her immediate family (mahram). See *Forde*, 720 F. Supp 2d 170, 172 (D. Conn. 2010). The court rejected the prison officials' argument that the plaintiff's religious belief was not accurate or correct, and concluded that the choice offered to the inmate – of violating her understanding of the precepts of Islam, or refusing to be searched and risking punishment – constituted a substantial burden. See *id.* at 176-177.

Observance of Sabbaths

Work assignments that interfere with prisoners' ability to observe sabbath periods in accordance with their religious beliefs have been successfully challenged. For example, in *Jehovah v. Clarke*, 798 F.3d 169, 179 (4th Cir. 2015), the court held that prison officials' denial of Sabbath accommodations to the plaintiff so that he could both work and observe the Sabbath in accordance with his religion constituted a substantial burden under RLUIPA. See also *Murphy v. Carroll*, 202 F. Supp 2d 421, 423 (D. Md. 2002) (Orthodox Jewish prisoner's Free Exercise rights were violated when prison officials refused to provide him with an alternative “cell clean up day” so that he could observe the Sabbath).

Equal Protection violations

Equal protection claims are difficult for prisoners to win, as they require proof that prison officials intentionally discriminated against them on the basis of their religion. Successful claims are usually based on evidence that clearly shows such discrimination. For example, in *Goodvine v. Swiekatowski*, the district court permitted an Equal Protection claim to proceed after screening where plaintiff (a Muslim prisoner) alleged that prison officials: 1) refused to provide him with a Qur'an (which had been donated by a third party) even though they routinely provided Christian inmates with Bibles; 2) refused to modify his meal schedule to accommodate his fasting even though they accommodated fasting schedules for Christian inmates; and 3) conducted research regarding the dates of the liturgical year for Christian inmates to assist them in practicing their religion but refused to provide plaintiff with information as to the proper direction to face inside the prison for his daily prayers. See *Goodvine*, 594 F. Supp 2d 1049, 1058-1060 (W.D. Wis. 2009). See also *American Humanist Ass'n v. U.S.*, 63 F. Supp 3d 1274, 1283-1284 (D. Or. 2014) (plaintiff's allegations stated a plausible Equal Protection claim where BOP denied his requests to form a secular humanist study group, obtain meeting space, and possess books and DVDs on secular humanism, yet permitted these things for other religious groups and where these denials were based on prison officials' discrimination against his religious beliefs).

Courts have also recognized Equal Protection violations where prison officials treated one religious group differently than another with regard to options for engaging in prayer or accessing religious literature. See, e.g., *Tenison v. Byrd*, 826 F. App'x 682 (10th Cir. Aug. 28, 2020) (not published) (Muslim inmate in a private prison was prohibited from praying in the day room, but Christian inmates were permitted to use the day room to pray); *McCollum v. Dauphin Cty. Prison Bd.*, Civ. No. 1:22-cv-1710, 2024 WL 5173254, at *4-5 (M.D. Pa. Dec. 19, 2024) (prison banned hard copies of all religious texts and refused to digitize texts of plaintiff's religion (Santeria) while digitizing the texts of religions followed by other inmates).

VIII. CONCLUSION

When filing a religious rights claim, it is crucial to keep in mind the various standards used by the courts for each type of claim. To help support your claim, you should include documentation from the national headquarters of your religion or from someone in a high position within the religion, if possible. It is also critical that you specify exactly what your religious beliefs are and how they were violated.

This bulletin includes only a few of the many cases available that address religious rights in prison. These cases can be used as a starting point for more specific research relating to your particular claim.