

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Duran v. Longoria

Duran · No. 1:20-cv-00289-HBK (PC) · Decided March 19, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Defendant Longoria’s motion for summary judgment in Paul Edward Duran’s 42 U.S.C. § 1983 action. The court holds that confiscation of Duran’s Odinist religious items did not substantially burden his religious practices under the First Amendment because alternative means of religious expression were available. The court alternatively concludes that the confiscation was reasonably related to legitimate prison safety and security interests under *Turner v. Safley*.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 19, 2025
DOCKET	1:20-cv-00289-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se, brought a 42 U.S.C. § 1983 First Amendment free-exercise claim. After discovery, Defendant moved for summary judgment, which the court granted.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The evidence must be viewed in the light most favorable to the nonmoving party, without credibility determinations or weighing of evidence. For the free-exercise claim, prison restrictions are evaluated under the <i>Turner v. Safley</i> reasonable-relationship standard.
PRECEDENTIAL VALUE	unpublished
PARTIES	Paul Edward Duran v. Longoria

TOPICS

summary judgment

prisoners rights

free exercise clause

first amendment

qualified immunity

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether the confiscation of Plaintiff's Thor's Hammers and runes substantially burdened his religious exercise in violation of the First Amendment's Free Exercise Clause.
2. Whether CDCR's restrictions on the number and size of stone religious items were reasonably related to legitimate penological interests under *Turner v. Safley*.
3. Whether Defendant was entitled to qualified immunity under 42 U.S.C. § 1983.

HOLDINGS

1. The confiscation of Plaintiff's four Thor's Hammers and 24 runes did not substantially burden his religious practices because he retained multiple alternative means of practicing Odinism, including attending services, purchasing approved religious items, possessing permitted items within CDCR limits, using nonstone materials, and using his arm as a Thor's Hammer.
2. Assuming the confiscation substantially burdened Plaintiff's religious exercise, CDCR's policy restricting the number and size of stone religious items was reasonably related to legitimate penological interests in prison safety and security and therefore the confiscation was lawful under *Turner v. Safley*.
3. The court did not need to reach qualified immunity because Plaintiff failed to establish a constitutional violation.

KEY QUOTATIONS

“Under these circumstances, the confiscation of Plaintiff’s religious items constituted no “more than an inconvenience” to his method of religious practice.” (at 14)

“For the reasons stated above, the Court finds that CDCR’s policy restricting the number and size of religious items made from stone that a prisoner is allowed to possess is reasonably related to the prison’s legitimate penological interests in maintaining safety and security.” (at 14-15)

FACTUAL BACKGROUND

During a March 22, 2019 search at California State Prison-Corcoran, Defendant confiscated Plaintiff's four Thor's Hammers and 24 runes, which Plaintiff had made from rocks and regarded as religiously blessed items used in Odinist rituals. CDCR's Religious Personal Property Matrix permitted certain religious medallions and stones but limited their number, size, and method of acquisition; the record also showed that prisoners could obtain approved Odinist items, use other materials, attend Odinist services, or use an arm as a Thor's Hammer. The record further showed that accumulations of small rocks could be fashioned into weapons and that Plaintiff had alternatives for practicing his religion.

PROCEDURAL HISTORY

The court previously found that Plaintiff's Third Amended Complaint stated a cognizable First Amendment free-exercise claim against Defendant Longoria but no claim against the other defendants. The district court adopted those findings and recommendations, Defendant answered, the parties completed discovery, and Defendant moved for summary judgment. The magistrate judge, exercising jurisdiction by the parties' consent under 28 U.S.C. § 636(c)(1), granted the motion and directed the Clerk to close the case.

DISPOSITION

other

CASES CITED

- Matsushita Elec. Indus. Co. Ltd. v. Zenith Radio Corp., 475 U.S. 574, 586-87 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 252 (1986)
- T.W. Electrical Serv., Inc. v. Pacific Elec. Contractors Assoc., 809 F.2d 626, 630 (9th Cir. 1987)
- Henry v. Gill Indus., Inc., 983 F.2d 943, 950 (9th Cir. 1993)
- Manley v. Rowley, 847 F.3d 705, 711 (9th Cir. 2017)
- Orr v. Bank of America, NT & SA, 285 F.3d 764, 772 (9th Cir. 2002)
- Scott v. Harris, 550 U.S. 372, 380 (2007)
- Soto v. Sweetman, 882 F.3d 865, 872 (9th Cir. 2018)
- Thomas v. Ponder, 611 F.3d 1144, 1150 (9th Cir. 2010)
- Lopez v. Smith, 203 F.3d 1122, 1132 n.14 (9th Cir. 2000) (en banc)
- Arpin v. Santa Clara Valley Transportation Agency, 261 F.3d 912, 922 (9th Cir. 2001)
- O'Lone v. Estate of Shabazz, 482 U.S. 342, 348, 351-52 (1987)
- Shakur v. Schriro, 514 F.3d 878, 884-87, 891 (9th Cir. 2008)
- Turner v. Safley, 482 U.S. 78, 89-91 (1987)
- Int'l Church of Foursquare Gospel v. City of San Leandro, 673 F.3d 1059, 1067 (9th Cir. 2011)
- San Jose Christian Coll. v. City of Morgan Hill, 360 F.3d 1024, 1034 (9th Cir. 2004)
- Freeman v. Arpaio, 125 F.3d 732, 737 (9th Cir. 1997)
- Bryant v. Gomez, 46 F.3d 948, 949 (9th Cir. 1995)
- Friend v. Kolodzieczak, 923 F.2d 126, 127 (9th Cir. 1991)
- Cruz v. Beto, 405 U.S. 319, 322 n.2 (1972)
- Ward v. Walsh, 1 F.3d 873, 877 (9th Cir. 1993)
- Pierce v. County of Orange, 526 F.3d 1190, 1209 (9th Cir. 2008)
- Brown v. Adams, No. 2:13-CV-192-RMP, 2015 WL 867657, at *6 (E.D. Wash. Feb. 27, 2015), aff'd, 667 F. App'x 265 (9th Cir. 2016)

- *Sessing v. Beard*, No. 1:13-CV-01684-LJO, 2015 WL 3953501, at *6 (E.D. Cal. June 29, 2015), *aff'd*, 667 F. App'x 265 (9th Cir. 2016)
- *Daniel v. Williams*, No. CV 06-722-AS, 2007 WL 3130169, at *5 (D. Or. Oct. 23, 2007)
- *Jones v. Slade*, 23 F.4th 1124, 1135 (9th Cir. 2022)
- *George v. Morris*, 736 F.3d 829, 843-44 (9th Cir. 2013)
- *Kennedy v. Allied Mut. Ins. Co.*, 952 F.2d 262, 266 (9th Cir. 1991)
- *District of Columbia v. Wesby*, 138 S. Ct. 577, 589 (2018)
- *Reichle v. Howards*, 566 U.S. 658, 664 (2012)
- *Harlow v. Fitzgerald*, 457 U.S. 800, 817 (1982)
- *Vos v. City of Newport Beach*, 892 F.3d 1024, 1035 (9th Cir. 2018)
- *Malley v. Briggs*, 475 U.S. 335, 341 (1986)
- *S.B. v. County of San Diego*, 864 F.3d 1010, 1015 (9th Cir. 2017)
- *Anderson v. Virga*, 2018 WL 1556806, at *2 (E.D. Cal. Mar. 30, 2018)
- *Isayeva v. Sacramento Sheriff's Dep't*, 872 F.3d 938, 946-47 (9th Cir. 2017)
- *Moran v. Washington*, 47 F.3d 839, 844 (9th Cir. 1995)