

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

Reonte C. Moore v. Foster, et al.

Moore v. Foster, No. 1:24-cv-01128-SEB-TAB (S.D. Ind. Feb. 24, 2026) · No. 1:24-cv-01128-SEB-TAB ·
Decided February 24, 2026

SUMMARY

The court partially grants and partially denies defendants' motion for summary judgment in Reonte C. Moore's First Amendment free-exercise action concerning the denial and delayed delivery of Islamic religious materials while he was housed in restrictive housing. Summary judgment is granted to Dennis Davis, Joseph Cooper, Stephen Foster, and Austin Harmon for lack of personal involvement, but denied as to Chance Bishop because a reasonable jury could find that the deprivation substantially burdened Moore's religious practices without a sufficient penological justification. The court also addresses potential limits on damages under the Prison Litigation Reform Act and directs a magistrate judge to confer with the parties regarding next steps.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	Sarah Evans Barker
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	February 24, 2026
DOCKET	1:24-cv-01128-SEB-TAB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a First Amendment free-exercise claim under 42 U.S.C. § 1983 concerning the denial or delay of access to religious materials while incarcerated. Defendants moved for summary judgment.
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 court views the record and draws reasonable inferences in favor of the nonmoving party, may not weigh evidence or make credibility determinations, and considers the materials cited by the parties.

PRECEDENTIAL VALUE	Unpublished district-court order; nonprecedential except as permitted by applicable rules.
PARTIES	Reonte C. Moore v. Chance Bishop, Dennis Davis, Joseph Cooper, Stephen Foster, Austin Harmon

TOPICS

summary judgment free exercise clause first amendment prisoners rights section 1983

PRACTICE AREAS

civil rights constitutional law prisoner litigation civil procedure remedies

QUESTIONS PRESENTED

1. Whether defendants Davis, Cooper, Foster, and Harmon were entitled to summary judgment because the evidence did not establish their personal involvement in the alleged deprivation of Moore's religious property.
2. Whether the evidence permitted a reasonable jury to find that Bishop substantially burdened Moore's religious practices and lacked a legitimate penological justification for the continued denial or delay of his religious materials.
3. Whether the defendants were entitled to summary judgment on Moore's First Amendment free-exercise claim.

HOLDINGS

1. A § 1983 plaintiff must establish that each defendant was personally responsible for the deprivation of a constitutional right. Because the evidence showed that Davis, Cooper, Foster, and Harmon had no role in collecting, inventorying, storing, or distributing Moore's property, they were entitled to summary judgment.
2. Summary judgment was inappropriate as to Bishop because the evidence would permit a reasonable jury to find that denial of Moore's prayer rug, Quran, and other religious materials substantially burdened his religious practices and that Bishop had not established a legitimate penological reason for the additional delay after Moore left the strip-cell range.
3. On summary judgment, the court must view the evidence and draw reasonable inferences in favor of the nonmoving party and may not weigh evidence or make credibility determinations.

KEY QUOTATIONS

"To recover damages under § 1983, a plaintiff must establish that a defendant was personally responsible for the deprivation of a constitutional right." (III.A)

"A substantial burden puts substantial pressure on an adherent to modify his behavior and to violate his beliefs." (III.B)

"Courts consider four factors when evaluating a prison policy against a First Amendment claim: (1) whether the policy rationally relates to a legitimate governmental objective; (2) whether the inmate has an alternative means of exercising the right; (3) the impact that accommodating the right will have on security; and (4) whether ready alternatives exist to the prison's policy." (III.B)

FACTUAL BACKGROUND

Moore, an incarcerated practicing Muslim, was housed on a strip-cell range at Pendleton Correctional Facility from approximately April 30 to May 7, 2024, where religious materials were not permitted. After he moved to another range in the same cellhouse, he still did not receive his religious book and prayer rug until approximately May 28, 2024, and some additional religious items remained stored. Moore asserted that he prayed five times daily and needed a prayer rug, Quran, and other reading materials. The evidence showed that Chance Bishop inventoried Moore's property, while Davis, Cooper, Foster, and Harmon had no demonstrated role in inventorying or distributing it.

PROCEDURAL HISTORY

Moore alleged that defendants denied him access to religious materials while he was housed in restrictive housing at Pendleton Correctional Facility. Defendants moved for summary judgment. The court granted the motion as to Davis, Cooper, Foster, and Harmon, denied it as to Bishop, terminated the four former defendants from the docket, and requested that the magistrate judge confer with the parties concerning the next steps.

DISPOSITION

other

REMAND INSTRUCTIONS

No formal remand was ordered. The magistrate judge was requested to confer with the parties to determine the appropriate next steps in light of the remaining claim and potential damages limitations.

CASES CITED

- *Khungar v. Access Community Health Network*, 985 F.3d 565, 572-73 (7th Cir. 2021)
- *Miller v. Gonzalez*, 761 F.3d 822, 827 (7th Cir. 2014)
- *Grant v. Trustees of Indiana University*, 870 F.3d 562, 573-74 (7th Cir. 2017)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986)
- *Whitfield v. Spiller*, 76 F.4th 698, 706 (7th Cir. 2023)
- *Gentry v. Duckworth*, 65 F.3d 555, 561 (7th Cir. 1995)
- *Thompson v. Holm*, 809 F.3d 376, 379 (7th Cir. 2016)
- *Rapier v. Harris*, 172 F.3d 999, 1006 n.4 (7th Cir. 1999)
- *Kaufman v. McCaughtry*, 419 F.3d 678, 683 (7th Cir. 2005)
- *Vinning-El v. Evans*, 657 F.3d 591, 592-93 (7th Cir. 2011)
- *Turner v. Safley*, 482 U.S. 78, 89-91 (1987)

- Larry v. Goldsmith, 799 F. App'x 413, 415 (7th Cir. 2020)
- Printup v. Vanihel, No. 2:22-cv-00098-JPH-MKK, 2024 WL 1241834, at *3 (S.D. Ind. Mar. 21, 2024)
- Hacker v. Dart, 62 F.4th 1073, 1086 (7th Cir. 2023)

OPINION

MOORE

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF INDIANA

INDIANAPOLIS DIVISION

REONTE C. MOORE,)

) Plaintiff,)) v.) No. 1:24-cv-01128-SEB-TAB) FOSTER, et al.,)) Defendants.)

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Plaintiff Reonte Moore, who is incarcerated at Pendleton Correctional Facility ("PCF"), alleges that the defendants denied him access to his religious materials in violation of his First Amendment rights when he was held in restrictive housing from April 24, 2024, through June 19, 2024. The defendants have moved for summary judgment on these claims. For the reasons below, that motion is GRANTED IN PART AND DENIED IN PART. I. Summary Judgment Standard A motion for summary judgment asks the Court to find that a trial is unnecessary because there is no genuine dispute as to any material fact and, instead, the movant is entitled to judgment as a matter of law. See Fed. R. Civ. P. 56(a). When reviewing a motion for summary judgment, the Court views the record and draws all reasonable inferences from it in the light most favorable to the nonmoving party. *Khungar v. Access Cmty. Health Network*, 985 F.3d 565, 572–73 (7th Cir. 2021). It cannot weigh evidence or make credibility determinations on summary judgment because those tasks are left to the fact-finder. *Miller v. Gonzalez*, 761 F.3d 822, 827 (7th Cir. 2014). A court only has to consider the materials cited by the parties, see Fed. R. Civ. P. 56(c)(3); it need not "scour the record" for evidence that might be relevant. *Grant v. Trs. of Ind. Univ.*, 870 F.3d 562, 573–74 (7th Cir. 2017) (cleaned up). A party seeking summary judgment must inform the district court of the basis for its motion and identify the record evidence it contends demonstrates the absence of a genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Whether a party asserts that a fact is undisputed or genuinely disputed, the party must support the asserted fact by citing to particular parts of the record, including depositions, documents, or affidavits. Fed. R. Civ. P. 56(c)(1)(A). Failure to properly support a fact in opposition to a movant's factual assertion can result in the movant's fact being considered undisputed, and potentially in the grant of summary judgment. Fed. R. Civ. P. 56(e). II. Factual Background Because the defendants have moved for summary judgment under Rule 56(a), the Court views and recites the evidence in the light most favorable to the non-moving party and draws all reasonable

inferences in that party's favor. Khungar, 985 F.3d at 572–73. A. The Parties During the time at issue, Mr. Moore was a practicing Muslim. Dkt. 29-1 at 17 (Moore Dep.). Chance Bishop was a property officer for G Cellhouse (“GCH”) at PCF. Dkt. 29-2 ¶ 4 (Bishop Aff.). Dennis Davis was the property officer for general population housing. Dkt. 29-3 ¶ 4 (Davis. Aff.). Officer Davis did not inventory Mr. Moore's property during the relevant time, and did not have any involvement with Mr. Moore's property, including storage or distribution. Id. ¶ 8. Joseph Cooper was a Sergeant in GCH. Dkt. 29-4 ¶ 3 (Cooper Aff.). During Sergeant Cooper’s shifts, he worked in GCH with two Correctional Officers. Id. ¶ 4. Sergeant Cooper completed range duties for ranges 1 and 2 of GCH, one officer took ranges 3 and 4, and the second officer took ranges 5 and 6. Id. Sergeant Cooper was not involved with searching, inventorying, storing, or distributing property items. Id. ¶ 10. Defendant Stephen Foster was a Lieutenant in GCH. Dkt. 29-5 ¶ 2. Lieutenant Foster was not generally involved with daily duties in GCH or present on the ranges and he was not involved with inmate property. Dkt. 29-5 ¶ 3, 4. Defendant Austin Harmon was a Sergeant. Dkt. 29-6 ¶ 2. Sergeant Harmon was not involved with processing, inventorying, storing, or managing inmate property aside from providing the care package from the general population housing units, and he did not have access to the property room to retrieve property items. Id. ¶ 4. B. Deprivation of Mr. Moore's Religious Materials On April 24, 2024, Mr. Moore was moved from GCH to H Cellhouse (“HCH”), a general population unit. Dkt. 29-7 at 2; dkt. 29-3 ¶ 10. When an inmate was moved from GCH to a general population housing unit, he either received his property items that same day or the next day depending on who had inventoried their property when moved to GCH. Dkt. 29-2 ¶ 11; dkt. 29-3 ¶ 11. About a week after his move to HCH, on April 30, 2024, Mr. Moore was moved to GCH, range 2D, pending a disciplinary action. Dkt. 29-7 at 2; dkt. 29-2 ¶ 12. The 2D range in GCH was a strip cell range. Dkt. 29-2 ¶ 13. Individuals housed on the 2D strip cell range in GCH were permitted fewer property items than other ranges in GCH for safety and security purposes. Dkt. 29-2 ¶ 13. They could possess their state I.D., inhaler, glasses, and certain clothing items, bedding items, towels, and basic hygiene items. Dkt. 29-3 ¶ 9. Religious materials were not permitted on the 2D range of GCH. Id. The reason that individuals on the 2D range were allowed fewer property items was that several of the inmates housed on that range had been involved in assaultive behavior against staff or other inmates. Dkt. 29-5 ¶ 6. When an incarcerated individual was moved from a general population housing unit to GCH, their property was packed by staff in the housing unit the inmate was leaving. Dkt. 29-2 ¶ 5. Staff members packing the inmate's property created a care package of property he was allowed to have in GCH. Dkt. 29-2 ¶ 6. The property not included with the individual's care package that was packed separately was sent to the property officer for non-restricted housing units. Id. ¶ 7. The property of individuals moved to GCH had to be reviewed to ensure the safety and security of the unit by ensuring that only permitted property items got into the unit and to limit contraband. Id. ¶ 9. Once the property officer received the property, it was inventoried on a first come first served basis by either Officer Bishop or Officer Davis depending on who got to the property items first. Dkt. 29-2 ¶ 8; dkt. 29-3

¶ 7. Officer Davis helped Officer Bishop with inventorying property items for individuals housed in GCH when he could. Dkt. 29-3 ¶ 6. Property that Officer Bishop inventoried was taken to the GCH property room. Id. ¶ 7. On May 7, 2024, Mr. Moore was moved from range 2D in GCH to range 3C in GCH. Dkt. 29-7 at 3. After an individual was moved from the 2D strip cell range in GCH to a different range in GCH, he could receive allowable property items. Dkt. 29-2 ¶ 14. Officer Bishop completed an Inventory of Offender Personal Property for Mr. Moore on or around May 28, 2024. Dkt. 29-2 ¶ 15; dkt. 29-2 at 4. The Inventory indicated that Mr. Moore received his religious book and prayer rug on or around May 28, 2024. Mr. Moore did not receive all of his religious books and potential other religious items while in GCH, and those items in excess were stored until Mr. Moore was removed from GCH. See Dkt. 29-2 at 4. On June 19, 2024, Mr. Moore was moved from GCH to J Cellhouse ("JCH"). Dkt. 29-7 at 2.

III. Discussion The defendants seek summary judgment on Mr. Moore's claims. First, many of the defendants contend that they were not responsible for the deprivation of Mr. Moore's religious property. They further argue that any deprivation of his property did not violate his First Amendment rights.

A. Personal Responsibility Defendants Davis, Cooper, Foster, and Harmon argue that they were not personally involved in the restriction of Mr. Moore's religious property. "To recover damages under § 1983, a plaintiff must establish that a defendant was personally responsible for the deprivation of a constitutional right." *Whitfield v. Spiller*, 76 F.4th 698, 706 (7th Cir. 2023) (quoting *Gentry v. Duckworth*, 65 F.3d 555, 561 (7th Cir. 1995)). For this purpose, each defendant is considered independently. Id. It is undisputed that defendants Davis, Cooper, Foster, and Harmon were not responsible for inventorying or distributing Mr. Moore's property. Dkt. 29-2 ¶ 8; dkt. 29-4 ¶ 10; 29-5 ¶ 10; dkt. 29-6 ¶ 2. While Mr. Moore contends that he asked the defendants about his religious materials, he presents no evidence that these defendants had any role in collecting, distributing, or denying him his property. See dkt. 42 at 2 (Verified Summary Judgment Response). Therefore, based on the evidence before the Court, no reasonable jury could conclude that these defendants were involved in the alleged denial of religious property and these defendants are entitled to summary judgment.

B. First Amendment Free Exercise The only claim left is Mr. Moore's claim against Officer Bishop. To succeed on his First Amendment free-exercise claim, Mr. Moore must convince the factfinder that Officer Bishop "personally and unjustifiably placed a substantial burden on his religious practices." *Thompson v. Holm*, 809 F.3d 376, 379 (7th Cir. 2016). "A substantial burden puts substantial pressure on an adherent to modify his behavior and to violate his beliefs." Id. (cleaned up). An isolated instance that impacts an inmate's religious practice will often be "de minimis" and "not of constitutional dimension." *Rapier v. Harris*, 172 F.3d 999, 1006 n.4 (7th Cir. 1999) (denial of pork-free meals on three isolated occasions "does not constitute more than a de minimis burden on [plaintiff's] free exercise of religion"). "[A]n inmate is not entitled to follow every aspect of his religion; the prison may restrict the inmate's practices if its legitimate penological interests outweigh the prisoner's religious interests." *Kaufman v. McCaughtry*, 419 F.3d 678, 683 (7th Cir. 2005). Thus, even a substantial burden is permitted if the burden is

"reasonably related to legitimate penological objectives." *Vinning-El v. Evans*, 657 F.3d 591, 592–93 (7th Cir. 2011) (citing *Turner v. Safley*, 482 U.S. 78, 89–91 (1987)). "Courts consider four factors when evaluating a prison policy against a First Amendment claim: (1) whether the policy rationally relates to a legitimate governmental objective; (2) whether the inmate has an alternative means of exercising the right; (3) the impact that accommodating the right will have on security; and (4) whether ready alternatives exist to the prison's policy." *Larry v. Goldsmith*, 799 F. App'x 413, 415 (7th Cir. 2020); see *Turner*, 482 U.S. at 89–91 (outlining similar factors). First, Officer Bishop argues that Mr. Moore has not presented evidence that his religious practices were substantially burdened. But Mr. Moore has affirmed that, as a Muslim, he prays five times a day and needs a prayer rug, Quran, and other reading material to do so. Dkt. 42 at 3. This is enough to allow a reasonable jury to conclude that denying him those materials substantially burdened his religious practice. See *Printup v. Vanihel*, No. 222CV00098JPHMKK, 2024 WL 1241834, at *3 (S.D. Ind. Mar. 21, 2024) (finding that a reasonable jury could conclude that denying of items prescribed by a Muslim's faith as necessary for prayer was a substantial deprivation). Next, the Officer Bishop argues that the restriction on Mr. Moore's property was supported by legitimate penological interests. Specifically, he argues that, when an individual is on strip cell status, his property must be restricted because many inmates on strip cell have engaged in assaultive behaviors. See dkt. 29-5 ¶ 6. He goes on to explain that, when an individual is moved to GCH, his property must be inventoried to ensure that no dangerous contraband enters that cellhouse. Dkt. 29-2 ¶ 9. Even if this suffices as a legitimate penological reason to deny Mr. Moore his prayer rug and Quran while he was on strip cell status, he was only on the strip cell range for a week. Dkt. 29-2 ¶ 14. When Mr. Moore was moved out of the strip cell range, he still did not receive his religious book or prayer rug for three more weeks. Dkt. 29-2 ¶ 15. Officer Bishop suggests that this delay was administrative, stating that property is inventoried on a first come first served basis, but he has not otherwise identified a legitimate penological reason for this delay. Further, Mr. Moore affirms that other inmates who complained about being denied their property would receive it. Dkt. 42 at 3. Thus, a reasonable jury that believed this testimony could conclude that the asserted explanations for denying property in GCH did not amount to legitimate penological reasons. Because Mr. Moore has designated evidence from which a reasonable jury could conclude that Mr. Moore's religious practices were substantially burdened and that Officer Bishop has not provided a legitimate penological reason for this burden, Officer Bishop is not entitled to summary judgment. IV. Conclusion For the reasons discussed above, the defendants' motion for summary judgment, dkt. [28], is granted in part and denied in part. The motion is granted as to the claims against Dennis Davis, Joseph Cooper, Stephen Foster, and Austin Harmon. The clerk shall terminate these defendants on the docket. The motion is denied as to the claim against Chance Bishop. The Court notes that under the Prison Litigation Reform Act, "No Federal action may be brought by a prisoner ... for mental or emotional injury suffered in custody without a prior showing of physical injury." 42 U.S.C. §

1997e(e). Under this statute, Mr. Moore may be entitled to nominal or punitive, but not compensatory, damages for his First Amendment claim. See *Hacker v. Dart*, 62 F.4th 1073, 1086 (7th Cir. 2023). Further, the current record before the Court does not contain evidence that would support an award of punitive damages. With this in mind, the magistrate judge is requested to have a conference with the parties to determine the appropriate next steps. IT ISSO ORDERED. Date: 2/24/2026 Wd Gaus Baler

SARAH EVANS BARKER, JUDGE

United States District Court Southern District of Indiana Distribution:

REONTE C. MOORE

229521

PENDLETON - CF

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