

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Smith v. Gipson

No. 2:20-CV-0071-DAD-DMC-P (E.D. Cal. Mar. 27, 2025) · No. No. 2:20-CV-0071-DAD-DMC-P · Decided
March 27, 2025

SUMMARY

The document contains findings and recommendations on defendants’ unopposed motion for summary judgment in a prisoner civil-rights action under RLUIPA. The court presumes the plaintiff’s religious beliefs are sincere, finds disputed issues concerning whether he requested religious accommodations and whether his religious exercise was substantially burdened, and considers whether the challenged restrictions further compelling governmental interests by the least restrictive means.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 27, 2025
DOCKET	No. 2:20-CV-0071-DAD-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on Defendants' unopposed motion for summary judgment in a prisoner's 42 U.S.C. § 1983 action alleging violations of the Religious Land Use and Institutionalized Persons Act.
STANDARD OF REVIEW	Summary judgment is appropriate when the pleadings, discovery materials, and affidavits show no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The court views evidence in the light most favorable to the nonmoving party, believes the opposing party's evidence, and draws reasonable inferences in that party's favor. For qualified immunity, the court asks whether the facts show a statutory or constitutional violation and, if so, whether the right was clearly established.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

prisoners rights

summary judgment

qualified immunity

section 1983

civil rights

PRACTICE AREAS

civil rights

prisoner litigation

religious-liberty law

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Defendants were entitled to summary judgment on Plaintiff's RLUIPA claim because the challenged restrictions did not substantially burden his religious exercise.
2. Whether the tobacco and related paraphernalia restrictions furthered compelling governmental interests by the least restrictive means under RLUIPA.
3. Whether the restrictions on religious oils, perfumes, colognes, incense sticks, and colored charm bags were shown on summary judgment to further a compelling governmental interest by the least restrictive means.
4. Whether Defendants were entitled to qualified immunity on Plaintiff's RLUIPA claim.
5. Whether the court should decline supplemental jurisdiction over any state-law claims if the federal claim was resolved.

HOLDINGS

1. The existence of procedures through which Plaintiff could seek religious accommodations, and the fact that the restrictions were not a total ban on his religious practice, did not by themselves establish that Plaintiff could not prove a substantial burden. Defendants failed to establish the absence of a genuine dispute of material fact on that issue.
2. The restrictions prohibiting inmate possession and use of tobacco products and related paraphernalia such as rolling papers, lighters, and matches constituted the least restrictive means of advancing compelling governmental interests in inmate and staff health and safety.
3. Defendants did not establish on summary judgment that prohibitions on colognes, perfumes, incense sticks, and differently colored charm bags furthered a compelling governmental interest by the least restrictive means.
4. Defendants were entitled to qualified immunity on the tobacco-related portion of the RLUIPA claim because Plaintiff could not establish a statutory violation, and were also entitled to qualified immunity on the other-items portion because Plaintiff's right to use those particular ceremonial items in practicing Thelema was not clearly established.

KEY QUOTATIONS

"Absence of a total ban does not equate to absence of a substantial burden." (at 8)

"The Court is aware of no authority addressing the use of ceremonial items as part of the practice of Thelema." (at 18)

FACTUAL BACKGROUND

Plaintiff, a California state prisoner who professes a belief in Thelema, alleged that prison regulations prevented him from possessing and using religious oils, perfumes, colognes, incense, tobacco, rolling papers, lighters, matches, and colored charm bags. He sought to possess these materials in his cell, obtain them from vendors of his choice, and receive exemptions or accommodations for religious ceremonies. California law and CDCR regulations generally prohibited inmate possession and use of tobacco and restricted religious property to approved items and vendors, while providing procedures for requesting religious accommodations. Plaintiff had not sought an accommodation through the designated religious-review process, although the district judge determined that his testimony about submitting a grievance created a factual dispute over whether he had requested one.

PROCEDURAL HISTORY

Plaintiff's first amended complaint proceeded after the court found it appropriate for service. Defendants waived service, answered, and, after discovery closed, moved for summary judgment. Plaintiff did not oppose the motion despite several extensions and a final opportunity to do so. Earlier findings recommended granting summary judgment based on the absence of a causal connection, but the district judge rejected that reasoning in light of deposition testimony indicating that Plaintiff had requested an accommodation through the inmate grievance process and referred the matter back for consideration of other arguments. The magistrate judge recommended granting summary judgment on the RLUIPA claim and declining supplemental jurisdiction over any state-law claims.

DISPOSITION

other

CASES CITED

- *Mora v. ChemTronics*, 16 F. Supp. 2d 1192, 1200 (S.D. Cal. 1998)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323, 325 (1986)
- *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 & n.11 (1986)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 251, 255 (1986)
- *T.W. Electric Service, Inc. v. Pacific Electric Contractors Ass'n*, 809 F.2d 626, 630-31 (9th Cir. 1987)
- *Wool v. Tandem Computers, Inc.*, 818 F.2d 1433, 1436 (9th Cir. 1987)
- *Richards v. Nielsen Freight Lines*, 602 F. Supp. 1224, 1244-45 (E.D. Cal. 1985), *aff'd*, 810 F.2d 898, 902 (9th Cir. 1987)
- *O'Lone v. Estate of Shabazz*, 482 U.S. 342, 348 (1987)
- *Pell v. Procunier*, 417 U.S. 817, 822 (1974)
- *McElyea v. Babbitt*, 833 F.2d 196, 197-98 (9th Cir. 1987)
- *Cruz v. Beto*, 405 U.S. 319, 322 (1972)
- *Ward v. Walsh*, 1 F.3d 873, 877-79 (9th Cir. 1993)
- *Mayweathers v. Newland*, 258 F.3d 930, 938 (9th Cir. 2001)
- *Turner v. Safley*, 482 U.S. 78, 89-91 (1987)

- *City of Boerne v. Flores*, 521 U.S. 507 (1997)
- *Freeman v. Arpaio*, 125 F.3d 732, 736 (9th Cir. 1997)
- *Guru Nanak Sikh Society of Yuba City v. County of Sutter*, 456 F.3d 978, 985-86 (9th Cir. 2006)
- *Warsoldier v. Woodford*, 418 F.3d 989, 994-96, 999 (9th Cir. 2005)
- *Cutter v. Wilkinson*, 544 U.S. 709, 713, 720 (2005)
- *Green v. Solano County Jail*, 513 F.3d 982, 986, 989 (9th Cir. 2008)
- *Ramirez v. Collier*, 142 S. Ct. 1264, 1278-81 (2022)
- *Johnson v. Baker*, 23 F.4th 1209, 1215-16 (9th Cir. 2022)
- *Holt v. Hobbs*, 574 U.S. 352, 362-69 (2015)
- *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 726 (2014)
- *DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189, 199-200 (1989)
- *Garcia v. Maddock*, 64 Fed. App'x 10, 12-13 (9th Cir. 2003)
- *Bell v. Wolfish*, 441 U.S. 520, 547, 559 (1979)
- *Overton v. Bazzetta*, 539 U.S. 126, 133 (2003)
- *Harlow v. Fitzgerald*, 457 U.S. 800, 818-19 (1982)
- *Malley v. Briggs*, 475 U.S. 335, 341 (1986)
- *Kelly v. Borg*, 60 F.3d 664, 667 (9th Cir. 1995)
- *Anderson v. Creighton*, 483 U.S. 635, 640 (1987)
- *Jackson v. City of Bremerton*, 268 F.3d 646, 651 (9th Cir. 2001)
- *Trevino v. Gates*, 99 F.3d 911, 917 (9th Cir. 1996)
- *Neely v. Feinstein*, 50 F.3d 1502, 1509 (9th Cir. 1995)
- *Pearson v. Callahan*, 555 U.S. 223, 236 (2009)
- *Martinez v. Stanford*, 323 F.3d 1178, 1184 (9th Cir. 2003)
- *Grayson v. Schuler*, 666 F.3d 450, 455 (7th Cir. 2012)
- *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 1991)