

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Syris T. Birkley v. Matthew Johnston, Milwaukee County, and
Trinity Services Group

Birkley · No. 25-cv-1636-bbc · Decided December 18, 2025

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants Syris Birkley leave to proceed in forma pauperis in his 42 U.S.C. § 1983 action concerning kosher meals and religious accommodations at the Milwaukee County Jail. The court concludes that the complaint does not plausibly allege a substantial burden on Birkley’s religious exercise or unequal treatment based on holiday announcements and access to religious teachers. The court permits Birkley to file an amended complaint by January 15, 2026 and warns that failure to do so will result in dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Byron B. Conway
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	December 18, 2025
DOCKET	25-cv-1636-bbc
DISPOSITION	other
PROCEDURAL POSTURE	Prisoner civil-rights screening order on a pro se complaint filed under 42 U.S.C. § 1983, together with a motion to proceed in forma pauperis.
STANDARD OF REVIEW	The court screened the prisoner complaint under 28 U.S.C. § 1915A and applied the Federal Rule of Civil Procedure 8(a)(2) plausibility standard, accepting well-pleaded factual allegations as true but disregarding unsupported legal conclusions.
PRECEDENTIAL VALUE	Unpublished district-court screening order; limited persuasive value.

TOPICS

- prisoners rights
- free exercise clause
- first amendment
- section 1983
- pleadings

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

civil procedure

QUESTIONS PRESENTED

1. Whether Birkley's allegations that the jail's kosher-certified meals were not actually kosher stated a First Amendment Free Exercise Clause claim.
2. Whether the alleged lack of dietary variety and Birkley's preference for different kosher foods imposed a substantial burden on his religious exercise.
3. Whether the jail's alleged failure to announce all Jewish holidays or provide a rabbi, while allowing Muslim and Christian religious volunteers, stated a free-exercise or religious-equality claim.
4. Whether the complaint satisfied the plausibility and notice-pleading requirements applicable during prisoner screening.
5. Whether Birkley should be granted leave to amend the deficient complaint.

HOLDINGS

1. The complaint failed to state a Free Exercise Clause claim because Birkley offered only speculation, contradicted by the kosher labels and assurances from jail personnel, that the meals were not kosher.
2. The complaint failed to state a claim based on the asserted lack of variety, poor taste, or failure to provide Birkley's preferred kosher foods because the First Amendment does not require a jail to provide an inmate's preferred foods, only food that does not burden his religious beliefs and practices.
3. The complaint failed to state a claim based on the jail's alleged failure to announce all Jewish holidays or provide a rabbi because the allegations were vague and underdeveloped and did not show that Birkley's religious practice was burdened or that other religions were treated more favorably.
4. Birkley was permitted to file an amended complaint by January 15, 2026, and the amended complaint would replace the original and be screened separately.

KEY QUOTATIONS

“But the First Amendment does not require the jail to provide Birkley with his preferred foods. It requires only that the jail provide him with food that does not burden his religious beliefs and practices.”

“The free exercise clause guarantees a liberty interest, a substantive right; it does not guarantee that all religious sects will be treated alike in all respects.”

FACTUAL BACKGROUND

Birkley, who is Jewish and follows a kosher diet, alleged that Milwaukee County Jail provided him meals labeled kosher but consisting largely of fruit, bread, butter, eggs, and sealed pouches of cold meat or plant-based protein. He speculated that the meals were not kosher because the containers lacked tamper-proof seals and complained that the meals lacked variety and caused him to refuse them, resulting in alleged headaches, weight loss, and fatigue. He also alleged that the jail announced Passover but not other Jewish holidays and that Muslim and Christian volunteers assisted inmates with religious studies while no rabbi entered the jail.

PROCEDURAL HISTORY

Birkley, a prisoner at the Milwaukee County Jail, filed a § 1983 complaint alleging that jail dietary and religious-practice policies violated his rights. The court granted leave to proceed without prepaying the filing fee, screened the complaint under 28 U.S.C. § 1915A, concluded that the allegations failed to state a claim, and granted Birkley an opportunity to amend by January 15, 2026. The action was not yet dismissed in the order; dismissal would follow if no timely amended complaint were filed.

DISPOSITION

other

CASES CITED

- Kaufman v. Pugh, 733 F.3d 692, 696 (7th Cir. 2013)
- Thompson v. Holm, 809 F.3d 376, 379-80 (7th Cir. 2016)
- O’Lone v. Shabazz, 482 U.S. 342, 349 (1987)
- Babcock v. White, 102 F.3d 267, 272 (7th Cir. 1996)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-56, 570 (2007)
- Maddox v. Love, 655 F.3d 709, 718 (7th Cir. 2011)
- Zimmerman v. Bornick, 25 F.4th 491, 494 (7th Cir. 2022)
- Duda v. Board of Education of Franklin Park Public School District No. 84, 133 F.3d 1054, 1056-57 (7th Cir. 1998)

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