

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Elghembri v. Muhammad

Elghembri · No. 23-cv-03328-WHO (PR) · Decided September 18, 2025

SUMMARY

The United States District Court for the Northern District of California granted a defendant’s motion to dismiss Ahmed Mohamed Elghembri’s claims concerning religious exercise, equal protection, and RLUIPA. The court held that the complaint contained confusing and conclusory allegations and did not specifically show a substantial burden on religious practice or disparate treatment of similarly situated persons. The complaint was dismissed with leave to amend by November 3, 2025, and several other pending motions were denied.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	William H. Orrick
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 18, 2025
DOCKET	23-cv-03328-WHO (PR)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to dismiss the first amended complaint under Federal Rules of Civil Procedure 8 and 12(b)(6). The district court granted the motion, dismissed the claims with leave to amend, denied four other motions or notices filed by the plaintiff, and directed the plaintiff to file a second amended complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court determines whether the complaint contains enough factual matter to state a claim for relief that is plausible on its face. The court generally considers only the contents of the complaint and does not consider new allegations raised in opposition papers.
PRECEDENTIAL VALUE	unknown

TOPICS

- motions to dismiss
- pleadings
- prisoners rights
- free exercise clause
- equal protection

PRACTICE AREAS

civil procedure

civil rights

constitutional law

prisoner litigation

religious-liberty law

QUESTIONS PRESENTED

1. Whether the first amended complaint plausibly stated a Free Exercise Clause claim under Rules 8 and 12(b)(6).
2. Whether the first amended complaint plausibly stated an Equal Protection Clause claim by alleging differential treatment of similarly situated persons.
3. Whether the first amended complaint plausibly stated a claim under RLUIPA by alleging a substantial burden on religious exercise.
4. Whether the plaintiff's additional motions and notices concerning alleged failures to respond, mail, and receipt of a reply warranted relief.

HOLDINGS

1. The complaint failed to state a Free Exercise claim because it did not allege specific facts showing that defendant substantially burdened plaintiff's religious practice; the generalized and confusing allegations were insufficient under Rules 8 and 12(b)(6).
2. The complaint failed to state an Equal Protection claim because plaintiff did not identify similarly situated persons or groups who received different treatment, and his allegation that defendant acted discriminatorily was conclusory.
3. The complaint failed to state a RLUIPA claim because it did not allege specific facts showing that plaintiff's religious exercise was substantially burdened.
4. The plaintiff's four motions or notices concerning defendant's alleged failure to respond, mail issues, and receipt of defendant's reply were denied because the record showed he received the relevant filings and the court could provide no relief.

KEY QUOTATIONS

“Elghembri’s free exercise and statutory claims suffer from the same defect: he fails to allege specific facts in his complaint that defendant substantially burdened his religious practice.” (at 1)

“A motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) should be granted if the complaint does not proffer “enough facts to state a claim for relief that is plausible on its face.”” (at 2)

“The federal pleading standard “demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.”” (at 3)

“The Equal Protection Clause of the Fourteenth Amendment commands that no State shall ‘deny to any person within its jurisdiction the equal protection of the laws,’ which is essentially a direction that all persons similarly situated should be treated alike.” (at 4)

“The complaint is DISMISSED with leave to file an amended complaint on or before November 3, 2025.” (at 6)

FACTUAL BACKGROUND

Plaintiff was incarcerated at San Quentin State Prison, where defendant Fasih served as Imam or Kateep. Plaintiff alleged that Fasih used a Jumu'ah sermon to express jealousy and hatred, disrupted the quietness and sanctity of the service, and refused an accommodation request for plaintiff's service in a discriminatory manner. The complaint asserted violations of the Free Exercise Clause, the Equal Protection Clause, and RLUIPA, but did not provide specific facts explaining how plaintiff's religious practice was substantially burdened or how similarly situated persons were treated differently.

PROCEDURAL HISTORY

Ahmed Mohamed Elghembri, a state prisoner, filed claims against prison chaplain Fasih concerning Jumu'ah services under the Free Exercise Clause, the Equal Protection Clause, and RLUIPA. Fasih moved to dismiss under Rules 8 and 12(b)(6). The court found the allegations confusing, conclusory, and insufficiently specific, dismissed the complaint with leave to amend by November 3, 2025, and warned that failure to amend could result in dismissal under Rule 41(b).

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Plaintiff may file a proper second amended complaint on or before November 3, 2025, using the court's form, including all claims and defendants he wishes to pursue, without incorporating prior complaints by reference. Failure to do so may result in dismissal under Federal Rule of Civil Procedure 41(b).

CASES CITED

- O'Lone v. Estate of Shabazz, 482 U.S. 342, 344 (1987)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 n.3, 570 (2007)
- Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699
- Scott v. Kuhlmann, 746
- Schneider v. CDCR, 151 F.3d 1194, 1197 n.1 (9th Cir. 1998)
- Jones v. Williams, 791 F.3d 1023, 1031 (9th Cir. 2015)
- Ohno v. Yasuma, 723 F.3d 984, 1011 (9th Cir. 2013)
- Guru Nanak Sikh Soc'y of Yuba City v. Cnty. of Sutter, 456 F.3d 978, 988 (9th Cir. 2006)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- City of Cleburne v. Cleburne Living Center, 473 U.S. 432, 439 (1985)
- Plyler v. Doe, 457 U.S. 202, 216 (1982)
- Furnace v. Sullivan, 705 F.3d 1021, 1030 (9th Cir. 2013)
- Ariz. Dream Act Coal. v. Brewer, 855 F.3d 957, 966 (9th Cir. 2017)
- Freeman v. Arpaio, 125 F.3d 732, 737 (9th Cir. 1997)

- Shakur v. Schriro, 514 F.3d 878, 884-85 (9th Cir. 2008)
- City of Buenaventura, 371 F.3d 1046, 1055
- Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992)

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