

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

James Damion Mack v. Mr. Hackett

Mack v. Hackett · No. 1:24CV605 · Decided February 18, 2026

SUMMARY

The document is a Memorandum Opinion and Recommendation by a United States Magistrate Judge in a prisoner civil-rights action under 42 U.S.C. § 1983. It recommends granting Defendant Mr. Hackett’s motion for summary judgment on the plaintiff’s First Amendment Free Exercise and Fourteenth Amendment Equal Protection claims. The recommendation concludes that the plaintiff failed to establish a constitutional violation and that qualified immunity applies.

CASE DETAILS

COURT	United States District Court for the Middle District of North Carolina
WRITING FOR THE COURT	L. Patrick Auld
JURISDICTION	United States District Court for the Middle District of North Carolina
DECIDED	February 18, 2026
DOCKET	1:24CV605
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought an individual-capacity action under 42 U.S.C. § 1983 alleging First Amendment Free Exercise and Fourteenth Amendment Equal Protection violations arising from his exclusion from group religious services while undergoing prison intake processing. Defendant moved for summary judgment. Plaintiff did not respond. The magistrate judge issued a Memorandum Opinion and Recommendation recommending that the motion be granted.
STANDARD OF REVIEW	Summary judgment is appropriate when no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law. Evidence is viewed in the light most favorable to the nonmoving party, but a nonmovant cannot defeat summary judgment with merely a scintilla of evidence. For qualified immunity, the court considers whether a constitutional violation occurred and whether the right was clearly established, in either order.

PRECEDENTIAL VALUE	unpublished magistrate judge Memorandum Opinion and Recommendation; not a final merits opinion of the district court on the record provided
PARTIES	James Damion Mack v. Mr. Hackett

TOPICS

summary judgment free exercise clause equal protection section 1983 civil procedure

PRACTICE AREAS

civil procedure constitutional law civil rights prisoner rights remedies

QUESTIONS PRESENTED

1. Whether excluding Mack from one group Jumu'ah service while he was an unclassified prison processor substantially burdened his First Amendment right to freely exercise his religion.
2. Whether the prison's processor policy violated the First Amendment under the Turner v. Safley reasonableness factors.
3. Whether Mack established that Hackett intentionally treated him differently from similarly situated prisoners because of religion, in violation of the Fourteenth Amendment Equal Protection Clause.
4. Whether Hackett was entitled to qualified immunity on Mack's § 1983 claims.

HOLDINGS

1. Mack's allegation that he missed one Jumu'ah service while undergoing a brief processing period did not establish a substantial burden on his ability to practice his religion; a single or isolated incident does not substantially burden an inmate's religious exercise.
2. Even assuming the processor policy substantially burdened Mack's religious exercise, the policy was reasonably related to legitimate and neutral penological interests and therefore did not violate the First Amendment.
3. Mack failed to establish an Equal Protection violation because he did not show that Hackett treated similarly situated prisoners differently or that any unequal treatment resulted from intentional or purposeful religious discrimination.
4. Hackett was entitled to qualified immunity because the record failed to establish that he violated Mack's First or Fourteenth Amendment rights.

KEY QUOTATIONS

"The Court should grant a motion for summary judgment when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." (7)

"Assuming the sincerity of Plaintiff's religious beliefs, his First Amendment claim fails because he cannot show that missing one Jumu'ah service on March 25, 2022, while he remained a processor substantially

burdened his ability to practice his religion.” (12)

“In this case, Plaintiff has not established an Equal Protection violation, because he has shown neither that Defendant Hackett treated other similarly situated inmates differently from Plaintiff, nor that such unequal treatment resulted from intentional religious discrimination.” (17-18)

“Because Plaintiff has failed to establish that Defendant Hackett violated Plaintiff’s constitutional rights, Defendant Hackett has demonstrated entitlement to qualified immunity regarding both of Plaintiff’s claims under Section 1983 in this action.” (19)

FACTUAL BACKGROUND

Mack was a state prisoner undergoing processing at Piedmont Correctional Institution after his March 10, 2022 incarceration. He alleged that Christian inmates were allowed to attend Bible study while Muslim processors, including him, were denied access to Jumu’ah and Talim services. According to Hackett’s evidence, processors were excluded from regularly scheduled group religious services until completing intake processing and receiving a custody designation; Mack completed processing and received his initial custody classification on March 30, 2022, after twenty days. The policy applied to processors of all faiths, and Mack did not request special permission to observe a religious practice.

PROCEDURAL HISTORY

Mack filed an unverified Complaint, later described in the opinion as verified for purposes of considering its allegations at summary judgment, against prison chaplain Mr. Hackett. After Hackett answered, the court allowed discovery. Hackett moved for summary judgment on the Free Exercise, Equal Protection, and qualified-immunity grounds, and Mack failed to respond despite Roseboro notice. The magistrate judge recommended granting summary judgment because the evidence did not establish a constitutional violation and qualified immunity therefore applied.

DISPOSITION

other

CASES CITED

- Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975)
- American Arms Int’l v. Herbert, 563 F.3d 78, 82 (4th Cir. 2009)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249-50 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 325 (1986)
- Custer v. Pan Am. Life Ins. Co., 12 F.3d 410, 416 (4th Cir. 1993)
- Williams v. Griffin, 952 F.2d 820, 823 (4th Cir. 1991)
- Cooper v. Sheehan, 735 F.3d 153, 158 (4th Cir. 2013)
- Pearson v. Callahan, 555 U.S. 223, 231 (2009)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)

- Mitchell v. Forsyth, 472 U.S. 511, 526 (1985)
- Smith v. Reddy, 101 F.3d 351, 357 (4th Cir. 1996)
- Anderson v. Creighton, 483 U.S. 635, 646 n.6 (1987)
- Henry v. Purnell, 652 F.3d 524, 531 (4th Cir. 2011) (en banc)
- O’Lone v. Estate of Shabazz, 482 U.S. 342, 348 (1987)
- Everson v. Board of Educ., 330 U.S. 1, 15 (1947)
- Carter v. Fleming, 879 F.3d 132, 139 (4th Cir. 2018)
- Turner v. Safley, 482 U.S. 78, 89-90 (1987)
- Davis v. Doe, No. 1:14CV373, 2014 WL 1835853, at *2 (M.D.N.C. May 8, 2014)
- Bynum v. Poole, No. 1:15CV960, 2017 WL 3578698, at *4 (M.D.N.C. Aug. 17, 2017)
- Craig v. Sevier, No. 1:24CV1329, 2025 WL 1222461, at *2 (S.D. Ind. Apr. 28, 2025)
- Pfeil v. Lampert, 11 F. Supp. 3d 1099, 1111 (D. Wyo. 2014)
- Mubashshir v. Moore, No. 3:10CV2802, 2011 WL 1496670, at *6 (N.D. Ohio Apr. 19, 2011)
- Gunn v. Kentucky Dep’t of Corr., No. 5:07CVP103, 2010 WL 2555756, at *5 (W.D. Ky. June 18, 2010)
- Gill v. Defrank, No. 98 CIV. 7851, 2000 WL 897152, at *2 (S.D.N.Y. July 6, 2000), aff’d, 8 F. App’x 35 (2d Cir. 2001)
- In re Long Term Administrative Segregation of Inmates Designated as Five Percenters, 174 F.3d 464, 469 (4th Cir. 1999)
- Latson v. Clarke, 794 F. App’x 266, 270 (4th Cir. 2019)
- City of Cleburne v. Cleburne Living Center, 473 U.S. 432, 439 (1985)
- Miles v. Guice, 688 F. App’x 177, 179 (4th Cir. 2017)
- Veney v. Wyche, 293 F.3d 726, 730-31 (4th Cir. 2002)