

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Revels v. Holly, et al.

Revels · No. 23-cv-04404-JST · Decided September 29, 2025

SUMMARY

The United States District Court for the Northern District of California granted summary judgment to defendants in Tyler Revels’s 42 U.S.C. § 1983 action concerning the termination of video visits while he wore a kufi. The court held that the temporary cancellation of four video visits did not substantially burden Revels’s First Amendment free-exercise rights and found no triable issue regarding the defendants’ conduct. Judgment was entered for defendants and the case was closed.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jon S. Tigar
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 29, 2025
DOCKET	23-cv-04404-JST
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se action under 42 U.S.C. § 1983 alleging that Santa Rita County Jail officials violated his First Amendment free-exercise rights by terminating video visits while he wore a religious kufi. Defendants moved for summary judgment, which the court granted.
STANDARD OF REVIEW	Summary judgment is appropriate when the pleadings, discovery, and affidavits show no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The evidence must be viewed in the light most favorable to the nonmoving party, but only where a genuine factual dispute exists; the court may not weigh evidence or make credibility determinations.
PRECEDENTIAL VALUE	Nonprecedential district-court order
PARTIES	Tyler Revels v. Tichia Holly, Gary Dean White

TOPICS

section 1983

free exercise clause

prisoners rights

summary judgment

civil procedure

PRACTICE AREAS

civil rights

constitutional law

prisoner litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether Defendants violated Plaintiff's First Amendment right to freely exercise his religion by causing or participating in the termination of four video visits while Plaintiff wore an approved kufi.
2. Whether the interruptions to Plaintiff's video visits constituted a substantial burden on his religious exercise.
3. Whether the undisputed evidence established that Defendant Holly was not involved in two of the challenged video-visit cancellations.

HOLDINGS

1. The termination or interruption of four video visits over a six-day period, while Plaintiff remained able to communicate through audio-only calls, was a relatively short-term and sporadic inconvenience rather than a substantial burden on religious exercise.
2. Defendant Holly could not be liable for the June 30 and July 5 cancellations because she was not working and had no involvement in those decisions.
3. Summary judgment was proper because Plaintiff failed to present evidence establishing a triable issue that Defendants substantially burdened his religious practice.

KEY QUOTATIONS

"To prevail on a First Amendment free exercise claim, a pretrial detainee essentially must show that the jail's actions substantially burdened a sincerely held religious belief; and (b) did so in an unreasonable manner—i.e., the official's actions were not "rationally related to legitimate [governmental] interests." (at 8-9)

"The deprivation of the video visits were the sort of "relatively short-term" intrusions that do not amount to a substantial burden on the prisoner's First Amendment free exercise rights." (at 10)

"While the cancellation of the four video visits inconvenienced Plaintiff, the cancellation did not "have a tendency to coerce [Plaintiff] into acting contrary to [his] religious beliefs or exert substantial pressure on [him] to modify his behavior and to violate his beliefs." (at 10-11)

"For the reasons set forth above, the Court GRANTS Defendants' motion for summary judgment. Judgment is entered in favor of Defendants and against Plaintiff." (at 11)

FACTUAL BACKGROUND

Santa Rita Jail generally prohibited incarcerated persons from wearing headwear but allowed religious headwear upon approval by the jail chaplain and jail staff, with approvals recorded in ATIMS. The chaplain approved Revels to wear a kufi on June 5, 2023, but Deputy White failed to enter the approval into ATIMS. As a result,

video visits on June 30 and July 2, 4, and 5 were terminated or cut short because jail officials believed Revels lacked authorization to wear the kufi; Holly was involved only in the July 2 and July 4 incidents. White updated ATIMS on July 5 after receiving notice of the missing approval, and Revels retained the ability to make audio-only calls.

PROCEDURAL HISTORY

Plaintiff commenced the action in August 2023 and filed an amended complaint. The court initially found a cognizable First Amendment free-exercise claim, later dismissed the action under Federal Rule of Civil Procedure 41(b) when Plaintiff failed to respond to a court mailing, and then reopened the action after Plaintiff filed a change of address. Following discovery and briefing, Defendants moved for summary judgment. The court granted the motion and directed entry of judgment for Defendants and closure of the case.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-24 (1986)
- Addisu v. Fred Meyer, Inc., 198 F.3d 1130, 1134 (9th Cir. 2000)
- Furnace v. Sullivan, 705 F.3d 1021, 1026 (9th Cir. 2013)
- Scott v. Harris, 550 U.S. 372, 380 (2007)
- Manley v. Rowley, 847 F.3d 705, 711 (9th Cir. 2017)
- Bell v. Wolfish, 441 U.S. 520, 535, 545 (1979)
- O'Lone v. Estate of Shabazz, 482 U.S. 342, 348-50 (1987)
- Price v. Johnston, 334 U.S. 266, 285 (1948)
- Shaw v. Murphy, 532 U.S. 223, 229 (2001)
- Pell v. Procunier, 417 U.S. 817, 822 (1974)
- Pierce v. County of Orange, 526 F.3d 1190, 1209 (9th Cir. 2008)
- Jones v. Williams, 791 F.3d 1023, 1031-32 (9th Cir. 2015)
- Turner v. Safley, 482 U.S. 78, 89-90 (1987)
- Canell v. Lightner, 143 F.3d 1210, 1215 (9th Cir. 1998)
- Hammler v. Hernandez, No. 1:19-CV-00616 SKO (PC), 2024 WL 4133910, at *6 (E.D. Cal. Sept. 10, 2024)

OPINION

Revels v. Santa Rita Jail

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 TYLER REVELS, Case No. 23-cv-04404-JST 8 Plaintiff,

ORDER GRANTING MOTION FOR

9 v. SUMMARY JUDGMENT

10 HOLLY, et al., Re: ECF No. 25 Defendants. 11 12 13 Plaintiff has filed a pro se civil rights
action pursuant to 42 U.S.C. § 1983, alleging that 14 Santa Rita County Jail officials Tichia Holly
and Gary Dean White violated his First Amendment 15 right to free exercise of his religion. Now
pending before the Court is Defendants' motion for 16 summary judgment. ECF No. 25. Plaintiff
has filed an opposition, ECF No. 30, and Defendants 17 have filed a reply, ECF No. 31. For the
reasons set forth below, the Court GRANTS Defendants' 18 summary judgment motion.

19 DISCUSSION

20 I. Procedural Background 21 Plaintiff commenced this action on or about August 21, 2023.
ECF No. 1. The operative 22 complaint is the amended complaint docketed at ECF No. 5. On
January 3, 2024, the Court found 23 that the operative complaint's allegation that Deputy White
(Inmate Services) and Deputy Holly 24 (video visit tech) denied Plaintiff video visits privileges
because Plaintiff was wearing approved 25 religious headgear, a kufi, stated a cognizable claim for
violation of Plaintiff's First Amendment 26 right to free exercise of his religion. ECF No. 6. On
April 10, 2024, the Court dismissed this 27 action pursuant to Fed. R. Civ. P. 41(b) because
Plaintiff had not responded to the Court's March 1 address of record for Plaintiff. ECF No. 16. On
May 14, 2024, Plaintiff filed a notice of change 2 of address, reporting his current address of
record as Federal Correctional Institution – Florence, 3 P.O. Box. 6000, Florence, CO 81226. ECF
No. 20. On October 25, 2024, the Court granted 4 Plaintiff's request to reopen this action, and
ordered Defendants to file a dispositive motion. ECF
5 No. 23.

6 II. Factual Background 7 The following facts are undisputed unless otherwise indicated. 8 A.
Relevant Santa Rita Jail Procedures 9 1. Religious Headwear 10 For security reasons, incarcerated
persons housed at Santa Rita Jail are prohibited from 11 wearing headwear, as headwear may be
used to hide weapons or contraband, such as drugs, which 12 can lead to disputes and violence
between incarcerated persons, and between incarcerated persons 13 and staff. ECF No. 26-1
("White Decl."), ¶ 3; ECF No. 25-2 ("Holly Decl."), ¶¶ 5, 7. There are 14 exceptions to this
prohibition, including an exception for religious headwear. To qualify for this 15 exception, an
incarcerated person must obtain approval from the jail chaplain and jail staff. The 16 general
procedure regarding religious headwear approvals is as follows. 17 First, the incarcerated person
submits a request to the jail chaplain for permission to wear 18 religious headwear. If the jail
chaplain approves the request, the jail chaplain notifies jail 19 personnel of the approval and
records the approval in a database maintained by the chaplain. This 20 database is separate from
the ATIMS, the jail management system that records information 21 regarding incarcerated
persons, such as when they are detained and released. 22 Second, the incarcerated person must

obtain approval from jail staff to wear the religious 23 headwear. After being informed of the jail chaplain's approval, jail staff review the inmate's 24 status. Jail staff approve the request if there are no indications, e.g. suicide watch, that might 25 make the headwear a safety or security issue. Upon approving the request, jail staff enter the 26 approval into the ATIMS. Jail personnel routinely grant incarcerated persons approval to wear 27 religious headgear if the jail chaplain has granted approval. White Decl., ¶ 4; Holly Decl., ¶ 6; 1 Third, jail staff inform the jail chaplain that they have approved the religious headwear 2 request, and the jail chaplain distributes the appropriate headwear, such as a kufi, to the 3 incarcerated person. Sometimes a jail chaplain may anticipate jail staff's approval, such as if the 4 inmate had been approved for the religious headwear during a prior detention, and distribute a kufi 5 prior to obtaining staff approval. Denoix Decl., ¶ 4.

6 Since 2015, Defendant White has been the deputy responsible for updating ATIMS with 7 religious headwear approvals. The jail chaplain normally sends the email indicating his approval 8 for religious headwear to defendant White. Upon receiving this email, defendant White's normal 9 practice is to approve the religious headwear request and enter the approval into ATIMS. White 10 Decl. ¶¶ 4-5, 8. Defendant White does not recall ever intentionally denying approval to wear 11 religious headgear if the chaplain has already approved the request. White Decl. ¶ 5. 12 2. Video Visits 13 Since approximately November 2022, persons incarcerated at Santa Rita Jail can have 14 video visits using the "Getting Out" app on their jail-issued tablets. To conduct a video visit, the 15 incarcerated person must be in the common or "pod" area of their housing unit and must attach 16 their jail-issued tablet to a chip in the wall of the pod area. To conduct an audio-only visit, 17 incarcerated persons may either use the "Getting Out" app or the wired telephones present in each 18 of the housing pods. Holly Decl. ¶¶ 3, 4. The jail prohibition on headgear applies during video 19 visits. 20 All video visits are monitored by jail staff. Since November 2022, defendant Holly has 21 been one of the jail staff monitoring incarcerated persons' video visits with non-attorneys. 22 Defendant Holly typically simultaneously monitors several ongoing video visits, sometimes 23 over twenty visits. Holly Decl. ¶¶ 2, 3. Defendant Holly makes an effort to regularly remind 24 incarcerated persons of the rules that are commonly violated during video visits, such as the rules 25 that all video call participants be fully dressed and that incarcerated persons may not wear 26 headwear. Deputy Holly further reminds incarcerated persons that violation of the rules will lead 27 to termination of the video visit. Upon receiving a warning, incarcerated persons must 1 video call and notices a rule violation, her normal practice is to give incarcerated persons a 2 warning of the violation and allow the incarcerated person an opportunity to correct the violation. 3 If the violation is corrected or defendant Holly learns that the incarcerated person has approval to 4 wear headwear, defendant Holly re-initiates the call. Holly Decl. ¶¶ 7, 8. During the relevant time 5 period, defendant Holly could not communicate with incarcerated persons directly through the 6 Getting Out app. If she needed to convey a warning or a rule violation, she would call the 7 incarcerated person's housing unit and speak to the housing unit deputy, and have the housing unit

8 deputy convey the warning to the incarcerated person. With respect to the headwear rule, after 9 receiving a warning, an incarcerated person typically either removes the headwear for the 10 remainder of the video visit or, if he claims he has approval, he provides the housing unit deputy 11 with proof of the approval. The incarcerated person may also contact the chaplain, or take other 12 action to correct the record. If an incarcerated person reinstates the call yet continues to wear the 13 unapproved headwear without providing proof of approval, defendant Holly cuts off the video 14 visit and suspends the incarcerated person's ability to have video visits for 24 hours or until the 15 incarcerated person provides proof of approval. Holly Decl. ¶¶ 8. Defendant Holly's normal 16 practice when she begins her weekly shift is to look up in ATIMS who has approval to wear 17 headwear, and create a list of names and photos of persons with such approval. That way, when 18 defendant Holly is monitoring video visits, she can quickly check whether anyone she sees 19 wearing headgear has approval to do so. In her years of experience, the list of headwear approvals 20 in ATIMS is kept up to date and is correct 98% of the time. Holly Decl. ¶ 10. 21 Jail staff cannot issue refunds for video visits. Incarcerated persons must obtain refunds 22 from the video visit provider, ViaPath Technologies. ECF No. 25-4 at 21. 23 B. Relevant Events 24 Plaintiff has previously been detained at Santa Rita Jail. ECF No. 25-4 at 2. During two 25 of these prior detentions – once in 2022 and once in early 2023 – Plaintiff received approval from 26 both the chaplain and defendant White to wear a kufi. Both times, defendant White entered the 27 approval into ATIMS. White Decl. ¶ 4, 7, 9; Denoix Decl., Ex. B; ECF No. 25-4 at 2. Defendant 1 The relevant events took place during Plaintiff's May 17, 2023 to July 26, 2023 detention 2 at Santa Rita Jail. Rudolph Decl., ¶ 5. When Plaintiff was booked in Santa Rita Jail for this 3 detention, he was not photographed with his kufi on. ECF No. 30 at 7-8. 4 On or about June 5, 2023, Plaintiff received approval from the jail chaplain to wear a kufi, 5 a religious head covering, and was distributed a kufi. Denoix Decl., ¶¶ 3-5 and Ex. B. Defendant 6 White was informed of the approval,¹ but failed to update ATIMS with the approval. 7 Defendant White states that the failure to update ATIMS with the June 5, 2023 approval 8 was entirely accidental. Defendant White states that he did not purposely fail to enter Plaintiff's 9 headwear approval into ATIMS; that he did not want or intend to discriminate against, or punish, 10 Plaintiff for his religious beliefs; and that, to the best of his knowledge, he has never failed to enter 11 an approval for Plaintiff to wear a kufi, except on this particular occasion. White Decl. ¶ 5-12. 12 Defendant White further states that he was not seeking a promotion during the relevant time 13 period; that the most recent promotional period had closed in November 2022, six months prior to 14 the relevant events; and that he had not applied for that promotion. ECF No. 31-1 at 2. 15 Plaintiff alleges that defendant White intentionally failed to enter the approval into 16 ATIMS. In support of this claim, Plaintiff argues the following. Plaintiff had previously filed 17 grievances against defendant White, which Plaintiff has heard can affect an officer's chance for 18 promotion. Defendant White's failure to update ATIMS was in retaliation for these grievances. It 19 is unlikely that the failure was accidental because (1) jail staff failed to ensure that Plaintiff was 20 wearing a kufi for his booking photo,

which would have indicated that Plaintiff is Muslim; (2) 21 defendant White denied Plaintiff's grievances regarding the cancelled video visits; (3) jail staff 22 failed to reimburse Plaintiff for the cancelled video visits; (4) defendant White was aware that not 23 updating ATIMS would burden Plaintiff's religious practices; and (5) defendants White and Holly 24 25 1 Defendants do not dispute that the chaplain sent defendant White an email advising that an approval had been issued. In preparing this dispositive motion, defendant White searched his 26 emails for an email from the chaplain between June 5 and July 2, 2023, but was unable to find any such email. Defendant White believes that an email may have arrived and that he erroneously 27 deleted it, either because he mistakenly believed that he already entered the approval into ATIMS, 1 were aware that during Plaintiff's prior incarcerations, his video visits had been shut off due to 2 Plaintiff wearing a kufi. See generally ECF No. 30. 3 On June 30, 2023, Plaintiff's video visit was cut short because he was wearing a kufi. ECF

4 No. 25-3 at 5. Defendant Holly was not working on that day and had no involvement in the 5 decision to terminate the video visit. Holly Decl. ¶ 9. Plaintiff filed Grievance No. 260622291, 6 stating that that his religious rights as a Muslim were violated when his video visit was terminated 7 that day due to his wearing a religious item, his kufi. ECF No. 25-3 at 5. 8 On July 2, 2023, as defendant Holly was monitoring approximately fifteen video visits, she 9 noticed that Plaintiff was wearing a kufi during his video visit. Defendant Holly checked her list 10 of incarcerated persons approved to wear headwear, and did not see Plaintiff's name on the list. 11 Defendant Holly contacted Plaintiff's housing unit deputy by phone and asked him to tell Plaintiff 12 that he needed to remove the kufi in order to continue the video visit. Defendant Holly then shut 13 off the video visit. Shortly thereafter, Plaintiff reinitiated the video call, with his kufi still on. 14 Because defendant Holly had not received any response to her warning and had not been made 15 aware that Plaintiff had approval to wear the kufi, defendant Holly shut off the video visit and 16 initiated a temporary 24 hour suspension of Plaintiff's video visit privileges. Plaintiff was able to 17 make audio-only calls using the wired telephones in the pods. Holly Decl. ¶ 11; ECF No. 25-3 at 18 10. Defendant Holly states that she did not personally know Plaintiff, did not recall having met 19 him before, and was not aware that he was Muslim. Holly Decl. ¶ 11. The July 2, 2023 video 20 visit lasted 44 seconds, and Plaintiff was not charged for this video visit. ECF No. 25-3 at 10, 14, 21 17. 22 On July 4, 2023, as defendant Holly was monitoring approximately twelve video visits, she 23 noticed that Plaintiff was again wearing a kufi during his video visit. Because prison records did 24 not indicate that Plaintiff had approval to wear the kufi, defendant Holly issued a warning 25 regarding what she believed to be unauthorized headwear and shut off the video visit. Plaintiff 26 reinitiated the video call, with his kufi still on. Because defendant Holly believed that Plaintiff 27 was not authorized to wear the kufi, defendant Holly shut off the video visit and initiated another 1 audio-only calls using the wired telephones in the pods. Holly Decl. ¶ 12; ECF No. 25-3 at 11. 2 The July 4, 2023 video visit lasted 2 minutes and 18 seconds, and Plaintiff was charged \$2.00. 3 ECF No. 25-3 at 11, 14, 17. 4 Defendant Holly shut off Plaintiff's video visits on

July 2 and 4, 2023, because, based on her review of prison records, she believed that Plaintiff was not authorized to wear his kufi. Defendant Holly did not shut off Plaintiff's video visits because she disagreed with, disapproved of, or wanted to punish Plaintiff for, his religious beliefs. Holly Decl. ¶¶ 13, 14. Plaintiff disputes defendant Holly's claims that she shut off his video visits on July 2 and 4 because he was wearing unapproved headgear; that she was unaware that Plaintiff was Muslim, and that she contacted Plaintiff's housing unit deputy and asked the deputy to ask Plaintiff to remove his kufi. Plaintiff alleges that defendant Holly shut off the video visit because she does not support Palestinians, and there was a Palestine flag in the background of his visitor's screen and defendant Holly mistook Plaintiff's kufi for a durag. Plaintiff states that defendant Holly knew him from his prior incarcerations and knew that he is a practicing Muslim, having observed him attend Jumu'ah. Plaintiff also challenges defendant Holly's credibility, stating that she has not provided documentation that she spoke to his housing unit deputy and alleging that he was never asked to remove his kufi in order to continue with his video visit. See ECF No. 30 at 9. On July 5, 2023, Plaintiff's video visit was cut short because he was wearing a kufi. ECF

No. 25-3 at 5. Defendant Holly was not working that day and had no involvement in the decision

to terminate the video visit. Holly Decl. ¶ 9; ECF No. 25-3 at 11. The July 5, 2023 video visit lasted 1 minute, and Plaintiff was charged \$0.50. ECF No. 25-3 at 12, 14, 17. Later that day, defendant White received an email from Sheriff Murphy stating that Plaintiff's approval to wear his kufi was not reflected in ATIMS and that Plaintiff's video visits were being shut off as a result. White Decl. ¶ 11 and Ex. F. That same day, defendant White updated ATIMS to reflect that Plaintiff was approved to wear religious headwear. White Decl. ¶ 11. C. Grievances On June 30, 2023, Plaintiff filed Grievance No. 260622291, stating that that his religious item, his kufi. ECF No. 25-3 at 5. On July 3, 2023, Plaintiff received the following response to Grievance No. 260622291: 3 The Video Visiting Unit was contacted regarding this grievance. At this time, the Video Visiting Unit is actively working on obtaining a roster of inmates who have religious exemption to wear approved religious headgear. The Grievance Unit is unable to assist with this matter any further. Please direct all future questions and concerns to the Video Visiting Unit. 6 ECF No. 25-3 at 5. 7 III. Summary Judgment Standard 8 Summary judgment is proper where the pleadings, discovery and affidavits show there is 9 "no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of 10 law." See Fed. R. Civ. P. 56(a) (2014). Material facts are those that may affect the outcome of the 11 case. See *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute as to a material 12 fact is genuine if the evidence is such that a reasonable jury could return a verdict for the 13 nonmoving party. See *id.* 14 A court shall grant summary judgment "against a party who fails to make a showing 15 sufficient to establish the existence of an element essential to that party's case, and on which that 16 party will bear the burden of proof at trial [,] . . . since a complete failure of

proof concerning an 17 essential element of the nonmoving party's case necessarily renders all other facts immaterial." 18 See *Celotex Corp. v. Catrett*, 477 U.S. 317, 322–23 (1986). The moving party bears the initial 19 burden of identifying those portions of the record that demonstrate the absence of a genuine issue 20 of material fact. *Id.* The burden then shifts to the nonmoving party to "go beyond the pleadings 21 and by [his] own affidavits, or by the 'depositions, answers to interrogatories, and admissions on 22 file,' designate 'specific facts showing that there is a genuine issue for trial.'" See *id.* at 324 23 (citing Fed. R. Civ. P. 56(e)). "A scintilla of evidence or evidence that is merely colorable or not 24 significantly probative does not present a genuine issue of material fact" precluding summary 25 judgment." *Addisu v. Fred Meyer, Inc.*, 198 F.3d 1130, 1134 (9th Cir. 2000). 26 For purposes of summary judgment, the court must view the evidence in the light most 27 favorable to the non-moving party, drawing all justifiable inferences in that party's favor. *AXIS 1* given material fact, evidence produced by the moving party conflicts with evidence produced by 2 the nonmoving party, the Court must assume the truth of the evidence set forth by the nonmoving 3 party with respect to that material fact. *Furnace v. Sullivan*, 705 F.3d 1021, 1026 (9th Cir. 2013). 4 However, facts must be viewed in the light most favorable to the nonmoving party only if there is 5 a "genuine" dispute as to those facts. *Scott v. Harris*, 550 U.S. 372, 380 (2007). The court's 6 function on a summary judgment motion is not to make credibility determinations or weigh 7 conflicting evidence. *Manley v. Rowley*, 847 F.3d 705, 711 (9th Cir. 2017). 8 IV. Legal Standard for First Amendment Free Exercise Violation 9 Prisoners "do not forfeit all constitutional protections by reason of their conviction and 10 confinement in prison." *Bell v. Wolfish*, 441 U.S. 520, 545 (1979). Prisoners retain the 11 protections afforded by the First Amendment, "including its directive that no law shall prohibit the 12 free exercise of religion." *O'Lone v. Estate of Shabazz*, 482 U.S. 342, 348 (1987). However, 13 "[l]awful incarceration brings about the necessary withdrawal or limitation of many privileges 14 and rights, a retraction justified by the considerations underlying our penal system." *Id.* (quoting 15 *Price v. Johnston*, 334 U.S. 266, 285 (1948)). Due to the mere fact of incarceration, a prisoner's 16 First Amendment rights are necessarily "more limited in scope than the constitutional rights held 17 by individuals in society at large." *Shaw v. Murphy*, 532 U.S. 223, 229 (2001). Consequently, an 18 inmate retains only "those First Amendment rights that are not inconsistent with his status as a 19 prisoner or with the legitimate penological objectives of the corrections system." *Pell v. 20 Procunier*, 417 U.S. 817, 822 (1974). Similar principles apply with respect to pretrial detainees. 21 See *Bell*, 441 U.S. at 545 (pretrial detainees retain "at least" the same constitutional rights as 22 convicted prisoners, including "freedom of . . . religion under the First and Fourteenth 23 Amendments") (citations omitted); *Pierce v. Cnty. of Orange*, 526 F.3d 1190, 1209 (9th Cir. 24 2008) ("as with other First Amendment rights in the inmate context, detainees' rights may be 25 limited or retracted if required to 'maintain [] institutional security and preserv[e] internal order 26 and discipline") (internal quotation marks and citation omitted; alterations in original). 27 To prevail on a First Amendment free exercise claim, a pretrial detainee

essentially must 1 sincerely held religious belief; and (b) did so in an unreasonable manner—i.e., the official's 2 actions were not “rationally related to legitimate [governmental] interests.” See O’Lone, 482 U.S. 3 at 348–50. “A substantial burden . . . place[s] more than an inconvenience on religious exercise; it 4 must have a tendency to coerce individuals into acting contrary to their religious beliefs or exert 5 substantial pressure on an adherent to modify his behavior and to violate his beliefs.” Jones v. 6 Williams, 791 F.3d 1023, 1031–32 (9th Cir. 2015) (alteration in original, internal quotation marks 7 and citations omitted). Whether a prison official’s restriction on a religious practice is a 8 reasonable, rather than an “exaggerated,” response to a legitimate governmental interest, courts 9 consider four factors, specifically: (1) whether there is a “valid, rational connection” between the 10 regulation and a legitimate government interest put forward to justify it; (2) “whether there are 11 alternative means of exercising the right that remain open to prison inmates;” (3) whether 12 accommodation of the asserted constitutional right would have a significant impact on guards and 13 other inmates; and (4) whether ready alternatives are absent (bearing on the reasonableness of the 14 regulation). Turner v. Safley, 482 U.S. 78, 89–90 (1987). Further, when the restriction affects pre- 15 trial detainees, substantive due process requires that the restriction or regulation cannot be 16 intended to serve a punitive interest. Bell, 441 U.S. at 535. 17 V. Analysis 18 The following facts are undisputed. 19 Jail policy prohibits incarcerated persons from wearing headwear for security reasons, as 20 headwear may be used to hide weapons or contraband. There is an exception for religious 21 headwear, but the exception must be approved by the jail chaplain and jail staff. Approvals are 22 entered into ATIMS, and jail staff monitoring video visits rely on ATIMS to determine which 23 incarcerated persons are approved to wear religious headwear. Even if a video visit is cancelled, 24 the incarcerated person retains the ability to communicate with visitors by making audio-only calls 25 using the wired telephones in the pods. 26 On June 5, 2023, the jail chaplain approved Plaintiff to wear a kufi and distributed a kufi to 27 him. ECF No. 25-5. The approval from the jail chaplain was recorded in a database maintained 1 White did not enter this approval into ATIMS. On June 30, and July 2, 4, and 5, Plaintiff’s video 2 visits were cut short because Plaintiff was wearing his kufi and jail officials monitoring the video 3 visits relied incorrectly on the ATIMS to conclude that Plaintiff was wearing headwear without 4 authorization. Defendant Holly was the jail official monitoring the July 2 and 4 video visits. 5 Defendant Holly was not working on June 30 or July 5, and had no involvement in the decision to 6 end Plaintiff’s video visits on those days. On July 5, defendant White was informed that 7 Plaintiff’s approval to wear religious headwear had not been entered into ATIMS, causing his 8 video visits to be cut short. Defendant White updated ATIMS that same day. 9 The Court GRANTS summary judgment in favor of Defendants. Plaintiff has not 10 demonstrated a triable issue of fact as to whether Defendants substantially burdened his religious 11 practice. Here, the record shows that, (1) due to defendant White’s failure to update ATIMIS to 12 reflect the jail approval for Plaintiff to wear religious headwear, Plaintiff missed four video visits 13 over a six-day period; and (2) defendant Holly had no involvement in two of the video

visit 14 cancellations. The deprivation of the video visits were the sort of “relatively short-term”
15 intrusions that do not amount to a substantial burden on the prisoner’s First Amendment free 16
exercise rights. See *Canell v. Lightner*, 143 F.3d 1210, 1215 (9th Cir. 1998) (affirming summary
17 judgment on claim that defendant violated Free Exercise Clause by interrupting inmate’s prayer
18 time no more than 18 times over two months because it was “relatively short-term and
sporadic,” 19 and not a “substantial burden”); see also *Hammler v. Hernandez*, No. 1:19-CV-
00616 SKO (PC), 20 2024 WL 4133910, at *6 (E.D. Cal. Sept. 10, 2024) (relatively short-term
and sporadic intrusions 21 on religious practice did not constitute substantial burden) (collecting
cases). While the 22 cancellation of the four video visits inconvenienced Plaintiff, the cancellation
did not “have a 23 tendency to coerce [Plaintiff] into acting contrary to [his] religious beliefs or
exert substantial 24 pressure on [him] to modify his behavior and to violate his beliefs.” *Jones*, 791
F.3d at 1031–32. 25 The record also shows that after Plaintiff spoke with Deputy Sheriff Tuttle on
July 4, 2025 about 26 improperly being denied video visits for wearing a kufi, Sheriff Tuttle
promptly contacted jail staff 27 to request a resolution; and that after this email was forwarded to
defendant White on July 5, 2025, 1 date. 2 Plaintiffs allegations that defendant White deliberately
failed to enter the kufi approval 3 into ATIMS and that defendant Holly knew that the ATIMS’s
failure to reflect the kufi approval 4 || was inaccurate are speculative and conclusory. More
relevantly, they do not establish that the 5 || cancellation of four video visits over a six-day period
substantially burdened Plaintiffs First 6 || Amendment right to freely practice his religion.

7 CONCLUSION

8 For the reasons set forth above, the Court GRANTS Defendants’ motion for summary 9 ||
judgment. ECF No. 25. Judgment is entered in favor of Defendants and against Plaintiff. The 10 ||
Clerk shall terminate any pending motions as moot and close the case. 11 IT IS SO ORDERED.
12 Dated: September 29, 2025 . .

JON S. TIGAR

14 ited States District Judge 16 18 19 20 21 22 23 24 25 26 27 28