

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Amaeshi Nwozuzu v. Daniel E. Cueva, et al.

Nwozuzu v. Cueva · No. 2:24-cv-01518 SCR P · Decided September 30, 2025

SUMMARY

The United States District Court for the Eastern District of California screened a prisoner’s first amended 42 U.S.C. § 1983 complaint under 28 U.S.C. § 1915A. The court held that the complaint failed to state a cognizable claim because damages were barred against official-capacity defendants and the requested injunctive relief targeted an outdated regulation. The court granted leave to amend within thirty days and directed the plaintiff to clarify the regulation challenged and each defendant’s involvement.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 30, 2025
DOCKET	2:24-cv-01518 SCR P
DISPOSITION	other
PROCEDURAL POSTURE	Screening of a state-prisoner civil-rights action under 28 U.S.C. § 1915A after plaintiff filed a first amended complaint.
STANDARD OF REVIEW	The court screened the complaint under 28 U.S.C. § 1915A and applied the Rule 12(b)(6)-type plausibility standard, accepting well-pleaded allegations as true and construing them in the light most favorable to plaintiff.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Amaeshi Nwozuzu v. Daniel E. Cueva, Sircoya M. Williams, Sara Vazquez, Chaim Zaklos, et al.

TOPICS

- section 1983
- prisoners rights
- sovereign immunity
- injunctions
- pleadings

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

religious liberty

sovereign immunity

QUESTIONS PRESENTED

1. Whether the first amended complaint stated a cognizable claim under 42 U.S.C. § 1983 or RLUIPA.
2. Whether plaintiff could recover monetary damages against state officials sued only in their official capacities.
3. Whether plaintiff could pursue prospective injunctive relief against a regulation that had been amended and recodified.
4. Whether plaintiff should receive leave to amend.

HOLDINGS

1. Plaintiff may not proceed with his claims for monetary damages against defendants sued only in their official capacities because those claims are treated as claims against the State and are barred by sovereign immunity.
2. State officials may be sued in their official capacities for prospective injunctive relief under § 1983 and RLUIPA, but plaintiff could not proceed on the claim as pleaded because he challenged an outdated regulation and did not identify what current conduct he sought to enjoin.
3. The first amended complaint failed to state a claim upon which relief may be granted and would not be served.
4. Plaintiff was granted thirty days to file a second amended complaint that identifies the regulation challenged and sufficiently alleges each defendant's involvement and the relief sought.

KEY QUOTATIONS

“the undersigned finds that the FAC fails to state any cognizable claims for relief. Plaintiff will be given leave to file an amended complaint.” (at 1)

“Because neither § 1983 nor RLUIPA abrogate state sovereign immunity, official capacity damage claims like plaintiff’s are barred by the Eleventh Amendment.” (at 7-9)

“A request for injunctive relief does not lie if the plaintiff is no longer subject to the conduct sought to be enjoined.” (at 9-10)

“There can be no liability under 42 U.S.C. § 1983 unless there is some affirmative link or connection between a defendant’s actions and the claimed deprivation.” (at 11)

FACTUAL BACKGROUND

Plaintiff was incarcerated at the California Medical Facility and participated or sought to participate in the Religious Meat Alternative program. He alleged that a Jewish chaplain threatened to remove him from the program for six months after a company sent him an item different from the one he ordered, and he attributed the

alleged injury to California Code of Regulations, title 15, § 3054.5. Plaintiff sued the defendants only in their official capacities and sought prospective injunctive relief, costs, and punitive damages.

PROCEDURAL HISTORY

Plaintiff, proceeding pro se and in forma pauperis as a state prisoner, filed a § 1983 action and then a first amended complaint against three California prison officials in their official capacities. The court screened the first amended complaint, found that it stated no cognizable claim for relief, declined to serve it, and granted plaintiff thirty days to file a second amended complaint.

DISPOSITION

other

CASES CITED

- *Neitzke v. Williams*, 490 U.S. 319, 325, 327 (1989)
- *Jackson v. Arizona*, 885 F.2d 639, 640 (9th Cir. 1989)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Erickson v. Pardus*, 551 U.S. 89, 93-94 (2007)
- *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974)
- *Benavidez v. County of San Diego*, 993 F.3d 1134, 1144 (9th Cir. 2021)
- *Monell v. Department of Social Services*, 436 U.S. 658, 694 (1978)
- *Rizzo v. Goode*, 423 U.S. 362, 370-71 (1976)
- *Starr v. Baca*, 652 F.3d 1202, 1207-08 (9th Cir. 2011)
- *Will v. Michigan Department of State Police*, 491 U.S. 58, 71 (1989)
- *Flint v. Dennison*, 488 F.3d 816, 825 (9th Cir. 2007)
- *Holley v. California Department of Corrections*, 599 F.3d 1108, 1114 (9th Cir. 2010)
- *Cornel v. Hawaii*, 37 F.4th 527, 531 (9th Cir. 2022)
- *Mayweathers v. Newland*, 314 F.3d 1062, 1070 (9th Cir. 2002)
- *Boulder Sign Co., LLC v. City of Boulder City, Nevada*, 382 F. Supp. 2d 1190, 1198 (D. Nev. 2005)
- *Arnold v. International Business Machines Corp.*, 637 F.2d 1350, 1355 (9th Cir. 1981)
- *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)
- *Hyde v. City of Willcox*, 23 F.4th 863, 874 (9th Cir. 2022)
- *Forsyth v. Humana*, 114 F.3d 1467, 1474 (9th Cir. 1997)
- *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967)
- *Shakur v. Schriro*, 514 F.3d 878, 884 (9th Cir. 2008)
- *Jones v. Williams*, 791 F.3d 1023, 1031 (9th Cir. 2015)
- *O’Lone v. Estate of Shabazz*, 482 U.S. 342, 348-49 (1987)

- Turner v. Safley, 482 U.S. 78, 89-90 (1987)
- Alvarez v. Hill, 518 F.3d 1152, 1156 (9th Cir. 2008)
- Jones v. Slade, 23 F.4th 1124, 1140 n.3 (9th Cir. 2022)
- Peralta v. Dillard, 744 F.3d 1076, 1082 (9th Cir. 2014)
- Farmer v. Brennan, 511 U.S. 825, 834-37, 842 (1994)
- Lemire v. California Department of Corrections & Rehabilitation, 726 F.3d 1062, 1074 (9th Cir. 2013)
- Johnson v. Lewis, 217 F.3d 726, 731-32 (9th Cir. 2000)
- Hoptowit v. Ray, 682 F.2d 1237, 1246 (9th Cir. 1982)
- Hudson v. McMillian, 503 U.S. 1, 9 (1992)
- Redman v. County of San Diego, 942 F.2d 1435, 1439 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 AMAESHI NWOZUZU, No. 2:24-cv-01518 SCR P 12 Plaintiff, 13 v.
ORDER 14 DANIEL E. CUEVA, et al., 15 Defendants. 16 17 Plaintiff is incarcerated in state
prisoner and proceeding pro se with a civil rights action 18 under 42 U.S.C. § 1983. Plaintiff has
filed a first amended complaint (“FAC”) that is before the 19 undersigned for screening under 28
U.S.C. § 1915A.

For the reasons set forth below, the 20 undersigned finds that the FAC fails to state any cognizable
claims for relief. Plaintiff will be 21 given leave to file an amended complaint. 22 STATUTORY
SCREENING 23 The court is required to screen complaints brought by prisoners seeking relief
against “a 24 governmental entity or officer or employee of a governmental entity.” 28 U.S.C. §
1915A(a).

In 25 performing this screening function, the court must dismiss any claim that “(1) is frivolous,
26 malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary
relief 27 from a defendant who is immune from such relief.” Id. § 1915A(b). A claim is legally
frivolous 28 when it lacks an arguable basis either in law or in fact.

Neitzke v. Williams, 490 U.S. 319, 325 1 (1989). The court may dismiss a claim as frivolous if it is
based on an indisputably meritless 2 legal theory or factual contentions that are baseless. Neitzke,
490 U.S. at 327.

The critical 3 inquiry is whether a constitutional claim, however inartfully pleaded, has an
arguable legal and 4 factual basis. See Jackson v. Arizona, 885 F.2d 639, 640 (9th Cir. 1989). 5 In
order to avoid dismissal for failure to state a claim a complaint must contain more than 6 “naked
assertions,” “labels and conclusions” or “a formulaic recitation of the elements of a cause 7 of
action.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-557 (2007).

In other words, 8 “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory 9 statements do not suffice.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A claim upon which the 10 court can grant relief has facial plausibility. *Twombly*, 550 U.S. at 570. “A claim has facial 11 plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable 12 inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678.

When 13 considering whether a complaint states a claim, the court must accept the allegations as true, 14 *Erickson v. Pardus*, 551 U.S. 89, 93-94 (2007), and construe the complaint in the light most 15 favorable to the plaintiff, *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974). 16 LEGAL STANDARDS 17 I. 42 U.S.C. § 1983 18 A plaintiff may bring an action under 42 U.S.C. § 1983 to redress violations of “rights, 19 privileges, or immunities secured by the Constitution and [federal] laws” by a person or entity, 20 including a municipality, acting under the color of state law.

42 U.S.C. § 1983. To state a claim 21 under 42 U.S.C. § 1983, a plaintiff must show that (1) a defendant acting under color of state law 22 (2) deprived plaintiff of rights secured by the Constitution or federal statutes. *Benavidez v. 23 County of San Diego*, 993 F.3d 1134, 1144 (9th Cir. 2021). 24 II. Linkage 25 Section 1983 requires that there be an actual connection or link between the actions of the 26 defendants and the deprivation alleged to have been suffered by plaintiff.

See *Monell v. 27 Department of Social Services*, 436 U.S. 658, 694 (1978); *Rizzo v. Goode*, 423 U.S. 362, 370-71 28 (1976). Plaintiff may demonstrate that connection by alleging facts showing: (1) a defendant's 1 “personal involvement in the constitutional deprivation,” or (2) that a defendant set “in motion a 2 series of acts by others” or “knowingly refus[ed] to terminate a series of acts by others, which 3 [the defendant] knew or reasonably should have known would cause others to inflict a 4 constitutional injury.” *Starr v. Baca*, 652 F.3d 1202, 1207-08 (9th Cir.

2011) (quotation marks 5 and citation omitted 6 PLAINTIFF’S FAC 7 I. Factual Allegations 8 Plaintiff is incarcerated at the California Medical Facility (“CMF”) in Vacaville. The 9 complaint names the following defendants: (1) Sircoya M. Williams, Acting CMF Warden; (2) 10 Sara Vazquez, Acting Community Resource Manager; and (3) Chaim Zaklos, Jewish Chaplain.

11 (ECF No. 1 at 1.) All defendants are sued in their official capacities only. (Id. at 6.) Plaintiff 12 alleges defendant Williams oversees defendant Vazquez, who in turn supervises defendant 13 Zaklos. (Id. at 3.) 14 Plaintiff alleges that defendant Zaklos approached plaintiff about an item plaintiff 15 allegedly ordered. Plaintiff ordered a different item, but the company sent this item instead.

16 Zaklos did not ask plaintiff if he had ordered the item but “informed and threatened” plaintiff
17 with removal from the Halal meat/Religious Meat Alternative (“RMA”) program for six
months 18 before he can reapply. (ECF No. 1 at 3.) 19 Plaintiff alleges Zaklos’ actions interfered
with his free exercise of dietary worship in 20 violation of the First and Eighth Amendments.

(ECF No. 1 at 3-4.) Plaintiff further claims that 21 his injuries stem from Cal. Code Regs., tit. 15,
§ 3054.5, a provision that violates the Islamic laws 22 of plaintiff’s religion. (ECF No. 1 at 3-5.)
Plaintiff states that § 3054.5 violates the Religious 23 Land Use and Institutionalized Act
(RLUIPA) as it is not the least restrictive means the State 24 could have taken to not interfere with
his free exercise of religion and there is no compelling state 25 interest in this unconstitutional
regulation.

(Id. at 5.) 26 Plaintiff seeks the prospective injunctive relief of removing Cal. Code Regs., tit. 15, §
27 3054.5. (ECF No. 1 at 6.) Plaintiff also seeks court costs and punitive damages in the amount of
28 \$10,000.00. (Id.) 1 DISCUSSION 2 I. Plaintiff Cannot Pursue Damages Against Official
Capacity Defendants 3 The FAC seeks monetary damages but names defendants in their official
capacities only.

4 A suit against a state official in his or her official capacity is no different from a suit against the 5
State itself. *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 71 (1989). Because neither § 6
1983 nor RLUIPA abrogate state sovereign immunity, official capacity damage claims like 7
plaintiff’s are barred by the Eleventh Amendment. See *Flint v. Dennison*, 488 F.3d 816, 825 (9th 8
Cir.

2007) (“state officials sued in their official capacities... are not ‘persons’ within the 9 meaning of §
1983 and are therefore generally entitled to Eleventh Amendment immunity.” 10 *Holley v. Cal.*
Dep’t of Corr., 599 F.3d 1108, 1114 (9th Cir. 2010) (“The Eleventh Amendment 11 bars [a
prisoner’s] suit for official-capacity damages under RLUIPA.”).

Accordingly, plaintiff 12 may not proceed with his claim for damages. 13 II. Prospective
Injunctive Relief 14 All three defendants can hypothetically be sued in their official capacities for
prospective 15 injunctive relief under both § 1983 and RLUIPA. See *Cornel v. Hawaii*, 37 F.4th
527, 531 (9th 16 Cir. 2022) (“[S]tate officials are ‘persons’ under § 1983 when sued for
prospective injunctive 17 relief.”); *Mayweathers v. Newland*, 314 F.3d 1062, 1070 (9th Cir.

2002) (finding plaintiff’s 18 RLUIPA claim for injunctive relief “falls squarely within the *Ex Parte*
Young exception to 19 sovereign immunity and does not violate the Eleventh Amendment”). Thus,
plaintiff’s request to 20 enjoin the RMA regulation is premised on a plausible legal theory when it
comes to available 21 relief. 22 However, as with the original complaint, the FAC seeks to enjoin
the former version of 23 Cal. Code Regs., tit.

15, § 3054.5. That provision was amended and recodified at § 3054.9, 24 effective Jan. 1, 2023. Plaintiff does not specify when his injury occurred, and it is not clear 25 whether the amended and recodified version of the regulation that plaintiff challenges (i.e., § 26 3054.9) presents the same problems that plaintiff complains of in the FAC. A request for 27 injunctive relief does not lie if the plaintiff is no longer subject to the conduct sought to be 28 enjoined.

See *Boulder Sign Co., LLC. v. City of Boulder City, Nevada*, 382 F. Supp. 2d 1190, 1 1198 (D. Nev. 2005) (dismissing claims for injunctive relief because plaintiff “may not pursue 2 injunctive relief against an ordinance no longer in existence”).

Because it is not clear from the 3 FAC what conduct plaintiff seeks to enjoin, he may not proceed on his claim for injunctive relief. 4 III. Leave to Amend 5 Plaintiff may try to fix these problems by filing an amended complaint. If plaintiff 6 chooses to file an amended complaint, he must clarify which regulation he seeks to enjoin.

As 7 this is the second time plaintiff has identified an outdated regulation, the undersigned has attached 8 the current versions of §§ 3054.5 and 3054.9 for his review. The relevant legal standards for 9 plaintiff’s substantive claims are also attached. 10 If plaintiff’s amended complaint seeks damages against defendants in their individual 11 capacities, he must allege in specific terms how each named defendant is involved.

Arnold v. 12 Int’l Bus. Machs. Corp., 637 F.2d 1350, 1355 (9th Cir. 1981). For example, if plaintiff alleges he 13 was actually denied a halal diet, plaintiff must allege who denied him a halal diet, when such 14 denial occurred, and on what basis the denial was made. There can be no liability under 42 15 U.S.C. § 1983 unless there is some affirmative link or connection between a defendant’s actions 16 and the claimed deprivation.

Id.; *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978). 17 Supervisors can be held liable for: “(1) their own culpable action or inaction in the training, 18 supervision, or control of subordinates; 2) their acquiescence in the constitutional deprivation of 19 which a complaint is made; or 3) for conduct that showed a reckless or callous indifference to the 20 rights of others.” *Hyde v. City of Willcox*, 23 F.4th 863, 874 (9th Cir.

2022). 21 Plaintiff is also informed that the court will not refer to a prior pleading in order to make 22 his amended complaint complete. Local Rule 220 requires that an amended complaint be 23 complete in itself without reference to any prior pleading. This is because, as a general rule, an 24 amended complaint supersedes any prior complaints. See *Forsyth v. Humana*, 114 F.3d 1467, 25 1474 (9th Cir.

1997) (the ““amended complaint supersedes the original, the latter being treated 26 thereafter as non-existent”)” (quoting *Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967)). Once 27 plaintiff files an amended complaint, any previous complaint no longer serves any function in the 28 case.

Therefore, in an amended complaint, as in an original complaint, each claim and the involvement of each defendant must be sufficiently alleged. CONCLUSION In accordance with the above, IT IS HEREBY ORDERED that: 1. Plaintiffs complaint fails to state a claim upon which relief may be granted, see 28 U.S.C. § 1915A, and will not be served. 2. Within thirty days from the date of service of this order, plaintiff may file an amended complaint that complies with the requirements of 42 U.S.C. § 1983, the Federal Rules of Civil Procedure, and the Local Rules.

The amended complaint must bear the docket number assigned to this case, No. 2:24-cv-01518 SCR P, and must be labeled "Second Amended Complaint." 3. Failure to file an amended complaint in accordance with this order will result in a recommendation that this action be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

The Clerk of the Court is directed to send plaintiff a copy of the prisoner complaint form used in this district. DATED: September 29, 2025 SEAN C. RIORDAN UNITED STATES MAGISTRATE JUDGE Attachment A This Attachment provides, for informational purposes only, the legal standards that may apply to your claims for relief.

Pay particular attention to these standards if you choose to file an amended complaint. I. Cal. Code Regs., tit. 15, § 3054.5 (effective Jan. 1, 2023) a) Religious kosher (RK) meals shall be available at designated institutions for incarcerated persons with a religious dietary need that cannot be met by another RPED option or by the mainline diet.

b) Incarcerated persons may request participation in the RK Diet Program in accordance with Title 15, section 3054.6. c) Participating incarcerated persons shall be provided a diet of kosher-certified items, as approved by the Departmental Food Administrator. d) All institutions shall adhere to standardized departmental certified RK diet menus and approved procedures for purchasing, preparing, and serving kosher meals, as approved by the Departmental Food Administrator.

e) Observance of Passover constitutes a single religious event, requiring kosher for Passover foods to be provided during the eight days of observance. f) A Chaplain designated by the RRC shall annually review each institution's processes for the procuring, storing, and distributing RK meals, and shall provide a completed CDCR Form 3057 (Rev.

04/21), Religious Kosher Food Distribution Annual Review, which is incorporated by reference, for review by the Correctional Food Manager (CFM). II. Cal. Code Regs., tit. 15, § 3054.9 (effective Jan. 1, 2023) a) The Religious Review Committee (RRC) shall determine Religious Personal Ethical Diet (RPED) compliance violations.

The RRC shall initiate and oversee the audit of RPED 25 participants for their compliance of all conditions listed on CDCR 3030-A, Religious Meat 26 Alternate or Religious Kosher Agreement, and the CDCR 3030-V, Vegetarian and Plant- 27 based Diet Request and Agreement. Any alleged compliance violation of the CDCR Form 28 3030-A or the CDCR Form 3030-V shall be reported using CDC Form 128-B (Rev.

04/74), 1 General Chrono, which is incorporated by reference, citing Title 15, section 3054. 2 (1) Any staff witnessing an RPED violation may initiate a CDC Form 128-B, General 3 Chrono, and forward to the RRC. 4 (2) A first notice of violation of the RPED Program Agreement shall be documented using a 5 CDC Form 128-B, General Chrono.

The CDC Form 128-B, General Chrono, shall be 6 dated the day the incarcerated person was notified of the violation. 7 (3) A second notice of violation within six months of the first notice of violation shall subject 8 the incarcerated person to removal from the RPED program. 9 (4) Incarcerated persons who are issued a CDC Form 128-B first or second violation may 10 grieve the CDC Form 128-B in accordance with Title 15, sections 3481 and 3482.

11 (5) Incarcerated persons who voluntarily withdraw from the RPED Program shall not be 12 issued a violation notice dated on or after the date of their withdrawal from the program. 13 b) Incarcerated person participants in the Religious Meat Alternate (RMA) and Religious Kosher 14 (RK) diet programs are subject to audit for all terms and conditions listed on CDCR Form 15 3030-A.

The RRC designee shall prepare the audit packet and forward to any Chaplain, who 16 shall, within 30 calendar days, consult with the incarcerated person, giving the incarcerated 17 person the opportunity to respond to the allegation(s) of RPED agreement compliance 18 violations, and return the completed audit packet to Community Resources Manager for 19 signature and distribution to C-File, Incarcerated Person, RRC and CRM.

20 (1) Incarcerated persons shall not be automatically issued a violation notice based solely on 21 the fact that they were flagged during the RPED Audit. 22 (2) The Chaplains shall make the final determination as to whether or not the incarcerated 23 person shall receive a CDC Form 128-B for violating the CDCR Form 3030-A, Religious 24 Meat Alternate or Religious Kosher Agreement.

25 (3) The Chaplain shall complete the CDC Form 128-B with the date of interview and shall 26 sign as the interviewer, not as the issuer. The Chaplain shall document on the CDC Form 27 128-B if the incarcerated person refuses to be interviewed. 28 c) Incarcerated person participants in the Vegetarian and Plant-Based diet programs are subject 1 to all terms and conditions listed on CDCR Form 3030-V.

Any alleged compliance violation 2 may be initiated by any staff using CDC Form 128-B, General Chrono, citing Title 15, section 3 3054. The issuer of the CDC Form 128-B or a representative of

the RRC shall consult with 4 the incarcerated person, giving the incarcerated person the opportunity to respond to the 5 allegation(s) of RPED agreement compliance violations.

The CDC Form 128-B shall be 6 distributed to C-File, Incarcerated Person, Issuer, RRC and CRM. The RRC shall document 7 the CDC Form 128-B in the IMTS. 8 d) The RRC shall make the final determination of continuing eligibility and complete a CDCR 9 Form 3030-C (Rev. 07/24), Religious Personal Ethical Diet Program Agreement -- Notice of 10 Non-Compliance, which is incorporated by reference.

A copy of the completed CDC Form 11 128-B with attachments and CDCR Form 3030-C shall be scanned into Electronic Records 12 Management Systems and a copy provided to the incarcerated person. 13 III. First Amendment Free Exercise 14 The First Amendment is implicated where state actions substantially burden a prisoner's 15 practice of religion by preventing him from engaging in conduct that he sincerely believes is 16 consistent with his faith, whether or not such conduct is "central to" or "mandated by" his faith." 17 *Shakur v. Schriro*, 514 F.3d 878, 884 (9th Cir.

2008) (explaining that "it is the sincerity of 18 [plaintiff's] belief rather than its centrality to his faith that is relevant to the free exercise 19 inquiry"). "A substantial burden... place[s] more than an inconvenience on religious exercise; it 20 must have a tendency to coerce individuals into acting contrary to their religious beliefs or exert 21 substantial pressure on an adherent to modify his behavior and to violate his beliefs." *Jones v. 22 Williams*, 791 F.3d 1023, 1031 (9th Cir.

2015). 23 Nevertheless, "lawful incarceration brings about the necessary withdrawal or limitation of 24 many privileges and rights, a retraction justified by the considerations underlying our penal 25 system." *O'Lone v. Estate of Shabazz*, 482 U.S. 342, 348 (1987). An alleged infringement of a 26 prisoner's free exercise rights is therefore "valid if it is reasonably related to legitimate 27 penological interests." *Id.* at 349.

To assess this validity, the Supreme Court has instructed 28 courts to consider: (1) whether there is a "rational connection between the prison regulation and 1 the legitimate governmental interest put forward to justify it"; (2) whether there are "alternative 2 means of exercising the right"; (3) whether and how "accommodation of the asserted 3 constitutional right... impact[s]... guards and other inmates"; and (4) the "existence of obvious, 4 easy alternatives." *Turner v. Safley*, 482 U.S. 78, 89-90 (1987) (internal quotation marks and 5 citations omitted).

6 IV. Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA") 7 RLUIPA prohibits prison officials from substantially burdening a prisoner's "religious 8 exercise unless the burden furthers a compelling governmental interest and does so by the least 9 restrictive means." *Alvarez v. Hill*, 518 F.3d 1152, 1156 (9th Cir. 2009) (internal quotations and 10 citations omitted).

The plaintiff bears the initial burden of demonstrating that an institution's 11 actions have placed a substantial burden on plaintiff's free exercise of religion. To state a 12 cognizable claim under

RLUIPA, plaintiff must specify how the defendant denied him access to 13 religious services.

In this regard, plaintiff must link any RLUIPA claim to the defendant's 14 specific conduct. "A RLUIPA plaintiff may only sue defendants in their official capacities for 15 prospective injunctive relief." *Jones v. Slade*, 23 F.4th 1124, 1140 n.3 (9th Cir. 2022). 16 Monetary damages are not available under RLUIPA against either official capacity or 17 individual capacity defendants.

Damages are not available under RLUIPA against state officials 18 sued in their individual capacities. See *Jones v. Williams*, 791 F.3d 1023, 1031 (9th Cir. 2015) 19 ("RLUIPA does not authorize suits for damages against state officials in their individual 20 capacities because individual state officials are not recipients of federal funding and nothing in 21 the statute suggests any congressional intent to hold them individually liable.").

Nor does 22 RLUIPA authorize damages against the state itself or official capacity defendants, as an official 23 capacity suit is tantamount to a suit against the state itself. See *id.* 24 V. Eighth Amendment Conditions of Confinement 25 In order for a prison official to be held liable for alleged unconstitutional conditions of 26 confinement, the prisoner must allege facts that satisfy a two-prong test.

Peralta v. Dillard, 744 F.3d 1076, 1082 (9th Cir. 2014) (citing *Farmer v. Brennan*, 511 U.S. 825, 837 (1994)). The first 28 prong is an objective prong, which requires that the deprivation be "sufficiently serious." *Lemire 1 v. Cal. Dep't of Corr. & Rehab.*, 726 F.3d 1062, 1074 (9th Cir. 2013) (citing *Farmer*, 511 U.S. at 2 834).

In order to be sufficiently serious, the prison official's "act or omission must result in the 3 denial of the 'minimal civilized measure of life's necessities.'" *Lemire*, 726 F.3d at 1074. The 4 objective prong is not satisfied in cases where prison officials provide prisoners with "adequate 5 shelter, food, clothing, sanitation, medical care, and personal safety." *Johnson v. Lewis*, 217 F.3d 6 726, 731 (9th Cir.

2000) (quoting *Hoptowit v. Ray*, 682 F.2d 1237, 1246 (9th Cir. 1982)). 7 "[R]outine discomfort inherent in the prison setting" does not rise to the level of a constitutional 8 violation. *Id.* at 732 ("[m]ore modest deprivations can also form the objective basis of a 9 violation, but only if such deprivations are lengthy or ongoing"). Rather, extreme deprivations 10 are required to make out a conditions of confinement claim, and only those deprivations denying 11 the minimal civilized measure of life's necessities are sufficiently grave to form the basis of an 12 Eighth Amendment violation.

Farmer, 511 U.S. at 834; *Hudson v. McMillian*, 503 U.S. 1, 9 13 (1992). The circumstances, nature, and duration of the deprivations are critical in determining 14 whether the conditions complained of are grave enough to form the basis of a viable Eighth 15 Amendment claim.

Johnson, 217 F.3d at 731. 16 The second prong focuses on the subjective intent of the prison official.

Peralta, 774 F.3d 17 at 1082 (9th Cir. 2014) (citing Farmer, 511 U.S. at 837). The deliberate indifference standard 18 requires a showing that the prison official acted or failed to act despite the prison official's 19 knowledge of a substantial risk of serious harm to the prisoner. Id. (citing Farmer, 511 U.S. at 20 842); see also Redman v. Cnty. of San Diego, 942 F.2d 1435, 1439 (9th Cir. 1991). Mere 21 negligence on the part of the prison official is not sufficient to establish liability. Farmer, 511 22 U.S. at 835. 23 24 25 26 27 28