Immunity: Qualified Immunity Not Available Against Prisoner's Claim for Injunctive Relief in RLUIPA Action

***Snodgrass v. Robinson*, no. 7:14CV20069 (W.D.Va. Nov. 17, 2014).**

A Virginia Federal District Court has held that prison officials cannot assert qualified immunity against an inmate's suit for injunctive relief and monetary damages where he was allegedly denied the opportunity to participate in the 2013 Ramadan fast, finding that immunity is not available as a defense against prospective injunctive action and that the prisoner's religious observance was a clearly established constitutional right.

Kevin Snodgrass, a Virginia inmate proceeding pro se, avers that he has a sincere Sunni Muslim belief to fast during daylight hours for Ramadan. He alleges that he made a timely request for accommodation of this religious exercise in 2013, and that prison officials refused his Ramadan participation because, at the time of his request, his name was not on a "master pass list" for attending religious services. Snodgrass alleges that he had been approved for placement on this list and was never notified that not being on that list would preclude him from Ramadan participation. He asserts that, as a result, he was forced to violate his beliefs by not fasting during the Muslim holy day.

He brought a civil rights action pursuant to § 1983, alleging that defendants excluded him from participating in the 2013 Ramadan fast, abridging his sincerely-held Muslim religious beliefs and violating of his rights under the Constitution and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc, et seq. (RLUIPA). He sought monetary and injunctive relief. The defendant prison officials moved for summary judgment, among other things arguing that they are entitled to qualified immunity against Snodgrass' claims for monetary damages. On the same basis, defendants also moved for and were granted a protective order staying discovery pending a ruling on the threshold issue of qualified immunity.

HELD: The District Court concluded that the defendants' motion for summary judgment should be denied on qualified immunity grounds and that Snodgrass was entitled to discovery before completing his response.

DISCUSSION: Snodgrass sought injunctive relief and monetary damages. As a matter of law, defendants were not entitled to assert qualified immunity against plaintiff's claims for injunctive relief under the First Amendment and RLUIPA. *Williams v. Ozmint*, 716 F. 3d 801, 808 (4th Cir. 2013) ("The defense of qualified immunity has no bearing, however, on claims for prospective court action such as injunctive relief."). Given that the immunity shield could not be asserted by prison officials, their objection to complying with Snodgrass' discovery request was unavailing: "Therefore, the defendants' argument that they should not be burdened with responding to his discovery requests is not well taken."

Defendants also did not establish that they were entitled to qualified immunity against Snodgrass' claim for monetary damages. The court recited the familiar standards for immunity against a constitutional claim: Defendants are entitled to qualified immunity against such claims if the court, taking the facts in the light most favorable to the plaintiff, determines that: "(1) no constitutional or federal statutory right was violated; or (2) the right was not clearly established such that it would not have been 'clear to a reasonable officer that his conduct was unlawful in

the situation he confronted.' " *Henry v. Purnell*, 501 F.3d 374, 377 (4th Cir. 2007) (citing *Saucier*, 533 U.S. at 205).

The court found that under both the Free Exercise Clause and RLUIPA, a prisoner has a clearly established right to a diet consistent with his religious scruples, including proper food (or abstinence therefrom) during Ramadan. "A prison official violates this clearly established right if he intentionally and without sufficient justification denies an inmate his religiously mandated diet." (citations omitted).

Accordingly the District Court found that that Snodgrass' allegations stated actionable claims under RLUIPA and the First Amendment. It also held that using the master pass list as a prerequisite for Ramadan participation in 2013 was not "rationally related to any legitimate penological interest" given that inmates were apparently not clearly notified of the prerequisite in advance. It denied defendants' motion for summary judgment on qualified immunity grounds, lifted the protective order, and required defendants to respond to Snodgrass' discovery requests.

http://www.leagle.com/decision/In%20FDCO%2020141119G64.xml/SNODGRASS%20v.%20ROBINSON (last accessed Nov. 20, 2014)