

IN THE SUPREME COURT OF THE UNITED STATES

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No. 23-1197

DAMON LANDOR, PETITIONER

v.

LOUISIANA DEPARTMENT OF CORRECTIONS AND  
PUBLIC SAFETY, ET AL.

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ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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MOTION OF THE UNITED STATES  
FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE  
AND FOR DIVIDED ARGUMENT

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Pursuant to Rule 28 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae and requests that the United States be allowed ten minutes of argument time. The United States has filed a brief as amicus curiae supporting petitioner. Petitioner has agreed to cede ten minutes of argument time to the United States and consents to this motion. Accordingly, if this motion were granted, the argument time would be divided as follows: 20 minutes for petitioner, 10 minutes for the United States, and 30 minutes for respondents.

This case concerns the express remedies provision of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. 2000cc et seq. As relevant here, RLUIPA prohibits any "government," including a state or local government, from imposing a "substantial burden" on the religious exercise of institutionalized persons unless it is the "least restrictive means of furthering" a "compelling governmental interest." 42 U.S.C. 2000cc-1(a); see 42 U.S.C. 2000cc-5(4). RLUIPA also permits plaintiffs to "obtain appropriate relief against a government" for violations of the statutory prohibition, 42 U.S.C. 2000cc-2(a), and defines "'government'" to include any "official" of a governmental entity or "any other person acting under color of State law," 42 U.S.C. 2000cc-5(4). In Tanzin v. Tanvir, 592 U.S. 43 (2020), this Court held that materially identical language in the Religious Freedom Restoration Act of 1993 (RFRA), 42 U.S.C. 2000bb et seq., permits plaintiffs to sue governmental officials in their individual capacities for money damages. Tanzin, 592 U.S. at 47-52. The question presented here is whether RLUIPA likewise authorizes individual capacity suits against governmental officials for money damages.

The United States' brief as amicus curiae supporting petitioner argues that RLUIPA's cause of action for "appropriate relief against a government," 42 U.S.C. 2000cc-2(a), unambiguously authorizes suits for money damages against governmental officials

in their individual capacities, as this Court held in Tanzin when considering virtually identical language in RFRA. The brief further argues that contrary to the court of appeals' decision below, RLUIPA's damages remedy is a valid exercise of Congress's spending power.

The United States has a substantial interest in the proper interpretation of RLUIPA. This Court has long referred to RLUIPA and RFRA as "sister" statutes and considered one statute while interpreting the other, Ramirez v. Collier, 595 U.S. 411, 424 (2022); because federal prisons are subject to RFRA, the United States has an interest in this Court's interpretation of materially identical language in RLUIPA. In addition, while Congress determined that full enforcement of RLUIPA's requirements depends on an effective private cause of action, RLUIPA also authorizes the United States to bring actions under RLUIPA for injunctive or declaratory relief. 42 U.S.C. 2000cc-2(f). Finally, the court of appeals held that RLUIPA's damages action is not a permissible exercise of Congress's spending power, see, e.g., Pet. App. 6a, and the United States has a significant interest in the resolution of that subsidiary issue.

The United States has participated in oral argument as amicus curiae in cases involving RLUIPA. See, e.g., Ramirez, 595 U.S. 411; Holt v. Hobbs, 574 U.S. 352 (2015). The United States has also frequently participated in oral argument as amicus curiae in

cases relating to Congress's spending power. See, e.g., Medina v. Planned Parenthood South Atlantic, 145 S. Ct. 2219 (2025); Cummings v. Premier Rehab Keller, P.L.L.C., 596 U.S. 212 (2022). The United States' participation in oral argument in this case accordingly is likely to be of material assistance to the Court.

Respectfully submitted.

D. JOHN SAUER  
Solicitor General  
Counsel of Record

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