25-5639 ORIGINAL

No.

In The Supreme Court of the United States

Supreme Court, U.S.
FILED
JUL 29 2025
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No.

FATHIREE UDDIN ALI, Petitioner,

v.

STEPHEN ADAMSON, Chaplain DAVID M LEACH, Special Acts Coordinator, SHANE JACKSON, Warden, and MICHIGAN DEPARTMENT OF CORRECTIONS, in both their individual and official capacities

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

PETITTION FOR WRIT OF CERTIORARI

FATHIREE ALI, No. 175762
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QUESTIONS PRESENTED

Congress has enacted two "sister" statutes to protect religious exercise: the Religious Freedom Restoration Act of 1993 (RFRA) 42 U.S.C. 2000bb et seq., and the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. 2000cc et. seq. In Tanzin v Tanvir, 592 US 43 (2020), this Court held that an individual may sue a government official in his individual capacity for damages for violations of RFRA, RLUIPA's relevant language is identical.

The question presented is:

1. Whether RLUIPA violations authorizes monetary damages against state officials in their individual capacities;

2. Whether claims for injunctive relief against prison official are moot when the plaintiff is transferred to a new faciilty governed by the same departmental policies?;

3. Whether claims for injunctive relief against officials sued in their official capacity become moot upon their departure from office? or does; it transfer to his successor since repetitive harm would evade review?

4. Whether a prisoner states a claim for injunctive relief under RLUIPA without identifying a specific written departmental policy when the policy can be reasonably inferred from systematic application?; and,

5. Whether prison officials violated clearly established First Amendment free exercise rights by misdirecting a Muslim inmate's halal diet request and denying it based on commissary purchases that inmate averred he did not consume?

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ON PETITION FOR WRIT OF CERTIORARI
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PETITION FOR WRIT OF CERTIORARI

Petitioner Fathiree Ali respectfully petitions for a writ of certiorari to review the judgement of Michigan's state courts.

OPINIONS OR JUDGMENT BELOW

The opinions and orders in this case are mostly unreported, except that the opinion of the Court of Appeals is published at 132 F.4th 924 (2025) - (App A). The order of the court of appeals denying rehearing en banc on May 1, at 2025 WL 1409094. (App. B). The opinion of the district court May 31, 2024, reconsideration denial is at 2024 WL 310571. (App. C). On January 25, 2024, the district court affirmed the Magistrate Judge opinion, and is available at 2024 WL 277517. (App. D). Magistrate Phillip Green, Recommendation Grant Defendant's Summary Judgment December 12, 2023, and is available at 2023 US Dist LEXIS 234310. (App. E).

RELATED PROCEEDINGS

Landor v Louisana Department of Corrections, No. 23-8123, 2025 US LEXIS 2465, writ of certiorari granted on June 23, 2025, to decide whether a state official may be sued in an individual capacity under RLUIPA, is scheduled for argument in October 2025. Similarly, the Sixth Circuit Court of Appeals in Ali v Adamson - 24-1540, 132 F4th 924 (6th Cir. 2025), denies suit and damages for RLUIPA violations sued in an individual capacity.

JURISDICTION

The court of appeals entered judgment on March 28, 2025. (App A). Then, on May 1, denied a timely petition for rehearing enbnc. (App B). This Court may take jurisdiction under 28 USC §1241(1)

CONSTITUTIONAL, STATUTORY, AND OTHER PROVISIONS INVOLVED

The Free Exercise Clause of the Fist Amendment provides, in relevant part, "Congress shall make no law ... prohibiting the free exercise ... of religion."

42 USC 2000cc-1 provides in relevant part:

(a) Substantial burdens

> Government shall not impose a substantial burden on ... religious exercise ... unless it demonstrates that application of the burden to the person.
>
> (1) is in furtherance of a compelling governmental interest; and
> (2) it is the least restrictive means of furthering that compelling interest.

(b) Appropriate relief

> Nothing in this subchapter ... shall be constued to authoriz[e] other than appropriate relief ... including injunctive relief ... against a government.

42 USC 2000cc-2 provides in relevant part:

(a) Cause of Action

> A person may assert a violation of this chapter as a claim or defense in a judicial proceeding and obtain appropriate relief against a government.

42 USC 2000cc-5(4)(A) provides that "[i]n this chapter," the term government means:

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and,

(iii) any other person acting under color of State law;

42 USC §1983 provides, in relevant part, that "every person ... who, under color of any statute, ordinance, regulation ... subjects, or causes to be subjected, any citizen ... to the deprivation of any rights ... secured by the Constitution ... shall be liable to the party injured."

Other pertinent statutory and constitutional authority provisions are reproduced in the appendix to this petition. (App., infra).

STATEMENT OF THE CASE

1. Nature of the Case.

Petitioner Fathiree Ali, a Muslim prisoner in the Michigan Department of Corrections, requested a halal diet under MDOC Policy, PD 05.01.100. His faith requires a halal diet (including lawful meat, dairy, eggs) and forbids pork and improperly slaughtered foods. MDOC dietary policy offers three meal options: regular, vegetarian, and vegan. The MDOC interprets its vegan plan as compatible with most halal requirements and directs Muslims inmates to apply for vegan first; only if vegan "does not meet ... religious dietary needs" may an inmate seek a meat-based alternative with deputy-director approval. Consistent with his religious beliefs, Ali requested a halal diet to comply with Islamic dietary requirements--under his religious interpretation of "halal". Ali explained In 2017, Chaplain Adamson interviewed Ali concerning his halal diet request. Adamson

misapplying MDOC policy under Ross v Blake "dead end" frame work, gave a misdirected instruction for Ali to 'first' apply for the vegan plan--which, MDOC conceded, could satisfy halal requirements under MDOC's interpretation--an interpretation that conflicted with Ali's sincere religious beliefs and common understanding within the Muslim faith. After an investigation and interview, Adamson certified Ali's sincerity. Special Activities Coordinator Leach without an interview, denied Ali's vegan request after noting that Ali had purchased more than 100 commissary items (95 ramen noodles w/seasoning packets, turkey sausage, etc.) that the MDOC deemed non-halal. At a deposition Ali denied consumption of those items and discarded any seasoning packets. MDOC offered no cross-evidence and neither the district nor appellate court gave proper deference to Ali's sworn testimony regarding his non-halal meal consumption or religious practices. Ali was transferred to a different MDOC facility where the same departmental policies concering religious dietary accommodation remains viable.

Ali sued Adamson, Leach, Warden Jackson, and MDOC under RLUIPA and §1983, seeking (a) prospective injunctive relief directing MDOC to provide halal (or at lease vegan) meals, and (b) monetary damages. The district court (Jarbou, J.) dismissed the MDOC and granted summary judgment to the remaining officials on all counts.

2. Procedural History

The Sixth Circuit affirmed dismissal, making several legal determinations that warrant this Court's review: (1) holding RLUIPA does not authorize money damages against state officials in either individual or official capacities. (citing Sossamon v Texas,[1.] Tanzin v Tanvir[2.], and Haight v Thompson[3.]); (2) finding Petitioner's injunctive claims against the chaplain and warden moot due to

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fn. 1. 563 US 277, 293 (2011)
2. 592 US 43 (2000)
3. 763 F3d 554, 568 (6th Cir. 2014)

Petitioner's transfer, lack of authority at new facility, and there is "no capable of repetition yet evading review" exception; (3) deeming moot Petitioner's claim againstt the Special Activities Coordinator--sued in his individual capacity, since he no longer holds office and an injunction would be purely declaratory; (4) concluding that Ali failed to specifically identify any MDOC policy that imposes a substantial burden separate from ordinary menu choices; the "vegan-first" policy is not a departmental rule but an interpretive guideline; and (5) Ali's §1983 claims for money damages under the Free Exercise Clause fail: Chaplain Adamson and Coordinator Leach are entitled to qualified immunity because any reliance on the commissary-purchase evidence was not a clearly established violation.

Ali timely petitioned for rehearing en banc; that was petition was denied.

3. Article III Redress/"Available Relief"

This Court held that an individual may sue a government official in his individual capacity for damages for violations of the Religious Freedom Restoration Act of 1993, 42 USC 2000bb et seq. Tanzin v Tanvir, 592 US 43 (2020). This Court emphasized that RFRA's text was "clear," that congress "made clear" individual-capacity damages "must" be available, and are often the "only" relief for violations RFRA protections for religious exercise. 592 US Sct 47, 50-51.

This case presents the question of whether the same vital remedy is available against state officials under RFRA's "sister statute," the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 USC 2000cc et. seq. See Holt v Hobbs, 574 US 352, 356 (2015).

REASON FOR GRANTING THE PETITION

This petition raises five issues of exceptional importance, each warranting this Court's review:

I. The Sixth Circuit holding that RLUIPA forecloses any money-damages remedy against state officials in individual capacity or official capacities with this Court's spending-power precedents--and with the pending grant in Landor v Louisiana Department of Corrections, No. 23-1197

In Holt v Hobbs, this Court explained that RLUIPA and RFRA are sister statutes, as the RLUIP was enacted to apply to States and their subdivisions after the Supreme Court held in City of Boerne v Flores, 521 US 507 (1999) that Congress exceeded its powers in making the RFRA applicable to the States and their subdivisions. Hobbs, 135 Sct. 853, 859-860; Cutter v Wilkinson, 544 US 709, 715 (2005).

Since both RFRA and RLUIPA sister statutes mirror one another, the same standard apply to each other. Indeed, because of the trace of evolution of the statute and its companion, there is no reason to treat the same conduct differenlty in sister statutes that are designed to promote the same legislative objective.

The uniformity of sister statutes, RFRA and RLUIPA recognized by this Court is now partial out as a result of the Circuits' inability to follow the reasoned text in Tanzin v Tanvir, 592 US 43 (2020). In fact, the Sixth Circuit recently published announcement in this case--Ali v Adamson--forecloses any money-damages against state officials in individual or official capacities, conflicts with this Court's spending-power precedents. Absence clarity from this Court will further kick the can of equitable relief under the Spending Clause away from state prisoners to pursue damages for individual capacity damages for violations of the RLUIPA.

The Sixth Circuit (like every other circuit) held that the RLUIPA's open-ended "appropriate relief" phrase fails to satisfy that clear-statement rule. But in Tanzin 592 US at 49-52, this Court construed RFRA's identical "appropriate relief" language to permit damages against federal officers in their individual

capacities, distinguishing Sossamon on sovereign-immunity grounds. RFRA's test is in haec verba with RLUIPA's remedy provision; no principled textual or structural distinction can justify a broad RULIPA-damages ban.

Further, the Sixth Circuit's categorical damages prohibitions squarely conflicts with Landor v La. Dept. of Corrections, which this Court just-granted case on the same question. Landor will decide whether state prison officials sued in their individual capacities may be held liable for RLUIPA damages. The present case, a petition in Ali v Adamson--raising identical RLUIPA-damages issues--would conserve judicial resources, provide comprehensive guidance on RLUIPA'S remedial scope, and prevent divergent rulings. An imperative resolution to ensure consistent enforcement of federal rights across the States.

II. The Sixth Circuit's mootness rulings (1) conflict with this Court's precedents; (2) defies Article III's redressability requirement; and, (3) this Court's Ross v Blake test for mootness of injunctive claims.

A. Transfer to facilities governed by same policies does not moot injunctive relief claims against the chaplain and warden.

The Sixth erroneously held that Ali's transfer to a new MDOC facility mooted his claims for injunctive relief against the chaplain and warden. Granted Ali seeks relief from MDOC's systematic policy of denying halal meals, which applies uniformly accross all MDOC facilities. Under established precedent, a claim is not moot when the challenged conduct is "capable of repetition, yet evading review." Southern Pacific Terminal Co. v ICC, 219 US 498, 515 (1911).

B. Article III readressability requirement.

Article III demands that a plaintiff obtain "effectual relief" for an injured right. Brown v Yost, 122 4Fth 597, 601 (6th Cir. 2024)(en banc)(per curiam). The Sixth Circuit held that injunctive relief against Adamson and Jackson is moot because (a) they lack any present power to provide meaningful relief at

Ali's new prison; and (b) there is no certification that a "substantial burden" remedy scheme differs across facilities.

C. Ross v Blake mootness test for injunctive claims.

Under Ross v Blake, an injunctive-relief claim becomes moot when the "available" administrative channels are a "dead end," or when a transfer places responsibilities firmly beyond the officials sued. Ross, 578 US 632, 642-44. Here, Warden Jackson and Chaplain Adamson no unilateral to approve vegan or halal-meat diets at any facility--caused by their initiated transfer--much less the current location renders any injunction "practically incapable of use."

III. The Sixth Circuit's treatment of the Special Acts Coordinator's mootness is at odds with basic mootness principles for official-capacity suits.

A. The court held that Ali's §1983 injunctive claim moot because Leach "no longer works for MDOC." But Ali sued Leach both in his individual and official capacities. In his official capacity, Leach is indistinguishable from MDOC itself; an injunction against MDOC easily binds successor coordinators at every facility City of Mesquite v Aladdin's Castle, Inc. 455 US 283, 289 (1982)(absent a "voluntary cessation" that cannot be "chang[ed] back," departure from office does not moot official-capacity claims). Also see, Roe v Wade, 410 US 113, 123 (1973), holding such claims do not become moot when the individual office holder changes.

B. This Court decisions confirm that a government-entity suits remains justicable so long as the entity's practices persist--regardless of personnel turnover. See Will v Michigan Dept of State Police, 491 US 58, 71 (1989). The Sixth Circuit's contrary rule invites premature dismissals of injunctive claims whenever personnel churn occurs.

IV. The Sixth Circuit imposed an unreasonably high pleading standard for RLUIPA claims, its holding that Ali failed to plead a RLUIPA substantial burden misreads RLUIPA's plain text and this Court test for pleading under Iqbal.

Under Iqbal, a plaintiff need only plead "enough facts to raise a right to relief above the speculative level." Ashcroft v Iqbal, 556 US 662, 678 (2009). Ali's allegations of a uniform "vegan-first" policy, it's rigid application to all Muslim inmates, and the absence of any real halal-meat option sufficed. The Sixth Circuit's contrary conclusion conflates pleading with proof and improperly requires "smoking-gun" MDOC regulations.

Moreover, the Sixth Circuit required Ali to identify a specific written departmental policy to state claim against MDOC under RLUIPA. This standard is inconsistent with Iqbal and Twombly, which require only that claims be "plausible," not that plaintiffs produce documentary evidence at the pleading stage. Ali's allegations demonstrate a systematic practice: the chaplain consistently misdirects Muslim inmates to vegan meals rather than true halal accommodations, and the special activities coordinator categorically denies religious meals request based on commissary purchases without considering explanatory affidavits. This pattern sufficiently alleges an institutional policy under Monell v Department of Social Services, 436 US 658 (1978).

V. The Sixth Circuit qualified-immunity ruling insulates officials who misdirect inmates about administrative channels and deny free exercise sincerely made religious meal requests based on untested allegations.

This Court has long held that "deliberate indifference" to prison inmates' religious dietary needs violates clearly established First Amendment law. See Cutter v Wilkinson, 544 US 709, 715 (2005); Ford v McGinnis, 352 F3rd 582, 597 (2nd Cir. 2003). To overcome qualified immunity, petitioner must show both a constitutional violation and that the right was clearly established. Tanzin, 592 US at 49-52. The court below imposed an unduly exacting standard, ignoring Ali's well-pleaded allegations of purposeful misdirection and capricios rescission.

Besides, Chaplain Adamson's misdirection deliberately misinformed Ali about

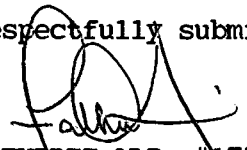
MDOC's only precondition for a halal diet. Ross requires that administrative routes be "available" and non-"dead end." 578 US at 642-44. Adamson's conduct flouted that rule.

Lastly, Coordinator Leach denied Ali's vegan plan solely on the basis of commissary-purchases data--without any investigation into Ali's sworn denial of consumption. That unexplained disregard of sworn depositions and religious sincerity raises a triable Free Exercise claim.

CONCLUSION

For the reasons set forth above, the petition for writ of certiorari should be granted.

Respectfully submitted



DATED July 29, 2025

FATHIREE ALI, #175762
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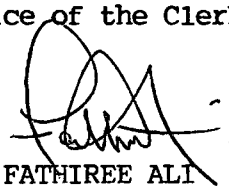
DECLARATION OF MAILING

Plaintifff, Fathiree Ali, declare under the penalty of perjury that the following is true and correct, that on the 29th day of July, he handed the prison counselor an original of: PETITION FOR WRIT OF CERTIORARI w/Appendix, PETITION TO PROCEED IN FORMA PAUPERIS w/Affidavit, to be mailed to: Christopher Alex, Asst. Attorney General, at Lansing, MI 48909, and, Office of the Clerk, United States Supreme Court, Washington, DC, 20543.



DATED July 29, 2025

FATHIREE ALI