No. 25-5639

In the Supreme Court of the United States

FATHIREE UDDIN ALI, PETITIONER

v.

STEPHEN E. ADAMSON, CHAPLAIN, ET AL.

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

BRIEF IN OPPOSITION

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QUESTIONS PRESENTED

1. Is this case an inappropriate vehicle for this Court to consider whether the Religious Land Use and Institutionalized Persons Act (RLUIPA) authorizes a claim for monetary damages against state officials in their individual capacities where this Court recently granted certiorari and heard oral argument on this question in *Landor* v. *Louisiana Department of Corrections & Public Safety*, 93 F.4th 259, 260 (5th Cir. 2024)?

2. Do any of the remaining claims warrant review where they are rife with vehicle problems, including that the injunctive relief claims against the individual Respondents are moot, Ali fails to present cognizable claims for injunctive or declaratory relief under RLUIPA because no actions or policies substantially burden Ali's exercise of religion, and he has not shown a violation of any clearly established First Amendment right?

PARTIES TO THE PROCEEDING

The Petitioner is Fathiree Uddin Ali, a prisoner in the custody of the Michigan Department of Corrections (MDOC). The Respondents are MDOC, which is a department of the executive branch of the State of Michigan; David M. Leach, former Special Activities Coordinator for MDOC; Stephen E. Adamson, former Chaplain at the Carson City Correctional Facility; and Shane Jackson, former Warden at the Carson City Correctional Facility.

RELATED CASES

- United States Court of Appeals for the Sixth Circuit, *Ali* v. *Adamson*, No. 24-1540, Order issued May 1, 2025 (denying petition for en banc review).
- United States Court of Appeals for the Sixth Circuit, *Ali* v. *Adamson*, No. 24-1540, Order issued March 28, 2025 (affirming district court decision).
- United States District Court for the Western District of Michigan, *Ali* v. *Adamson*, No. 1:21-cv-71, Opinion and Order issued January 25, 2024 (overruling objections, accepting and adopting the magistrate judge's December 12, 2023 report and recommendation, and granting Defendants' motion for summary judgment).
- United States District Court for the Western District of Michigan, *Ali* v. *Adamson*, No. 1:21-cv-71, Report and Recommendation on Defendants' motion for summary judgment issued December 12, 2023 (recommending granting Defendants' motion for summary judgment).

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JURISDICTION

The district court and the court of appeals had jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1291, respectively. This Court has jurisdiction pursuant to 28 U.S.C. § 1254.

CONSTITUTIONAL, STATUTORY, AND REGULATORY PROVISIONS INVOLVED

The First Amendment to the U.S. Constitution provides, in pertinent part:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof[.]

The RLUIPA, 42 U.S.C. § 2000cc-1, provides in pertinent part:

> § 2000cc-1. Protection of religious exercise of institutionalized persons
>
> (a) General rule
>
> No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 1997 of this title, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person--
>
> > (1) is in furtherance of a compelling governmental interest; and
> >
> > (2) is the least restrictive means of furthering that compelling governmental interest.
>
> (b) Scope of application

This section applies in any case in which--

> (1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or
>
> (2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

42 U.S.C. § 2000cc-2 provides in pertinent 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. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

INTRODUCTION

Ali's petition seeks certiorari on five questions. He presents only one issue of possible legal significance—whether money damages are available under RLUIPA in individual-capacity actions against state officials. But this Court recently granted certiorari and held oral argument less than two months ago on that same issue. *Landor* v. *La. Dep't of Corr. & Pub. Safety*, 145 S. Ct. 2814 (2025). There is no reason to consider the same issue twice in the span of one year, especially where this case does not clearly present the issue because, as the Sixth Circuit correctly held, Ali is not entitled to any relief under RLUIPA, and the case otherwise has vehicle problems.

In *Landor*, Louisiana officials allegedly disregarded Landor's beliefs, placed him in a chair, handcuffed him, and shaved his head, undoing decades of his hair growth. In contrast, here, Ali filed suit because Respondents allegedly denied his request for a halal-compliant vegan meal that he applied for only once and, by Ali's own admission, he does not even want. Instead, he desires Michigan Department of Corrections' alternative meal, yet has never applied for it. Rather than reapplying for the halal-compliant vegan meal or the alternative meal at any time—which he could have done at any point over the past several years and could today, tomorrow, or next year—he filed suit and now asks this Court to grant certiorari.

On the merits of the RLUIPA claim, consistent with the petitioner's arguments in *Landor*, this Court's prior precedent and those of the federal circuits point in one direction—that RLUIPA does not authorize money damages against state officials in their individual capacities. On that point, Ali has failed to show that the Sixth

Circuit's opinion conflicts with any precedent of this Court. And Ali agrees that there is no circuit split. Pet. at 6–10.

Ali's remaining issues fare no better. He provides a scattershot mélange of issues that are replete with vehicle problems, do not warrant this Court's intervention, and merely demonstrate Ali's frustration with the Sixth Circuit's disposition of his case. In large part, Ali argues issues never raised in the Sixth Circuit and seeks this Court's review of holdings that the Sixth Circuit never made. Ali provides no reason for this Court to grant certiorari. His petition should be denied.

STATEMENT OF THE CASE

Ali has been incarcerated by MDOC since 1989, serving a life sentence for a murder conviction. Although he has been a practicing Muslim throughout his incarceration, Ali did not apply for a religious meal until 2017 and has not reapplied in the eight years since then. App. 2a. Nor has he applied for an alternative meal that could provide the halal meats he claims to seek. *Id.* at 10a.

Relevant MDOC policies

MDOC recognizes that prisoners in its custody may need dietary accommodations, and, pursuant to Policy Directive 05.03.150, it allows prisoners to request a vegan meal that is both kosher and halal compliant. App. 24a, 31a. Only MDOC's special activities coordinator has the authority to approve a prisoner's request for the vegan meal, and a prisoner who is denied such a request may reapply after one year. *Id.* at 9a, 24a, 31a. Prisoners who do not believe that the vegan meal can satisfy their religious dietary restrictions may request an alternative meal. *Id.* at 24a–25a. The

alternative meal is developed and provided only with approval of the MDOC's deputy director. *Id.* at 25a (internal quotation marks omitted). MDOC policy does not require prisoners to request the vegan meal prior to applying for the alternative meal.

Ali's action—and inaction—with respect to religious accommodation

On September 25, 2017, Ali applied for a vegan meal accommodation because he believed that his "faith require[d] him to consume only 'halal' food," which is "food prepared in accordance with Islamic law." *Id.* at 18a, 23a, 29a, 31a. Ali also believed that consuming non-halal food was " 'haram, a major sin and act of disbelief.' " *Id.* at 2a. On the request form, Ali acknowledged that "the religious meal being requested was vegan." *Id.* at 18a. Stephen Adamson, then chaplain at the Carson City Correctional Facility, interviewed Ali and recommended that he be approved. *Id.* at 29a. Adamson, however, did not have authority to approve an application for the vegan meal, so he sent it to David Leach, MDOC's special activities coordinator, for a decision. *Id.* at 2a–3a, 25a. Leach discovered, however, that Ali had recently purchased over a hundred non-halal commissary items and so denied Ali's application. *Id.*

Ali never applied for an alternative menu accommodation, a "procedural requirement [that] at worst made Ali fill out two forms to request an alternative diet [instead of] one." App. *Id.* at 12a, 19a, 24a. Had Ali sought this available remedy, his request would have been decided by MDOC's deputy director. *Id.* at 2a–3a, 11a, 23–27a, 34a.

District court proceedings

Rather than reapplying for MDOC's vegan meal or applying for the alternative meal, Ali did nothing for over three years and then filed suit in early 2021. Ali proceeded under 42 U.S.C. § 1983, alleging violations of the First Amendment's Free Exercise and Establishment Clause, the Fourteenth Amendment's Equal Protection Clause, as well as RLUIPA, 42 U.S.C. § 2000c *et seq*. Ali named MDOC, as well as Adamson, Leach, Carson City Correctional Facility Warden Shane Jackson. He did not sue the deputy director. Ali premised his claims on the denial of his application for a vegan meal, stating that he was denied "the same precise diet prepared for every meal or [sic] many other prisoners." (Compl., R. 1, ¶ 1, Page ID # 1.) Ali sought money damages for all claims. (*Id.* at Page ID # 8.)

The district court screened Ali's complaint pursuant to the Prison Litigation Reform Act, (PLRA), 28 U.S.C. §§ 1915(e)(2), 1915A(a) and (b), 42 U.S.C. § 1997e(c). (Screening Op., R. 7, Page ID # 39–43.) The district court dismissed MDOC, leaving Ali to pursue his claims against Adamson, Jackson, and Leach. (*Id.*)

Following discovery, Adamson, Jackson, and Leach moved for summary judgment on all remaining claims, which the district court granted. The district court granted summary judgment to Jackson because Ali failed to allege or produce any evidence that Jackson was personally "involved in the conduct giving rise to his claims."[1] App. 30a.

[1] Ali did not file objections to the magistrate judge's recommendation to dismiss Jackson. App. 23a.

Regarding Ali's request for the vegan meal, the district court dismissed both Adamson and Leach from the case, holding that Ali "failed to establish that Defendant Adamson in any way impeded his religious accommodation request." *Id.* at 23a, 25a. Moreover, the court held that Adamson lacked the authority to grant Ali any meal accommodation and his involvement in Ali's application for the vegan meal was limited to recommending approval of the request. *Id.* at 25a, 31a. Leach based his denial on the fact that "Ali had purchased, prior to his accommodation request, items from the commissary that conflicted with his stated religious requirements." *Id.* at 25a. Because Leach's decision did not violate Ali's clearly established First Amendment rights, the court dismissed that claim on grounds of qualified immunity. *Id.* at 25a–26a.

Moving to Ali's claim that Adamson and Leach denied his request for the alternative meal, the district court noted that Ali had never requested the alternative meal. Instead, "Ali made this request . . . for the first time in this lawsuit." *Id.* at 24a. Moreover, only MDOC's deputy director could grant a request for the alternative meal and neither Adamson nor Leach was the deputy director. *Id.* at 27a. Thus, Ali failed to sue a "proper defendant" who had the power to provide him with the relief he requested. *Id.*

The district court also denied Ali's claim for money damages under RLUIPA because he could "only obtain prospective relief under RLUIPA." *Id.* (citing *Haight* v. *Thompson*, 763 F.3d 554, 570 (6th Cir. 2014)). The district court also concluded that

Ali failed to present evidence to support his Fourteenth Amendment claim. *Id.* at 26a–27a.

Ali moved to alter or amend the district court's decision to grant Leach and Adamson summary judgment; he did not challenge the district court's dismissal of Jackson. *Id.* at 16a–21a. The district court denied the motion and Ali appealed to the Sixth Circuit.

Sixth Circuit proceedings

Ali appealed the dismissal of his Free Exercise and RLUIPA claims, but only as to Adamson, Leach, and MDOC, abandoning all claims against Jackson as well as his First Amendment Establishment Clause and Fourteenth Amendment claims. The Sixth Circuit, in an opinion authored by Chief Judge Sutton, affirmed in part and dismissed in part. *Id.* at 1a–2a.

The Sixth Circuit first addressed jurisdiction, holding that Ali's individual capacity-claims for injunctive relief under the First Amendment against Adamson, Jackson, and Leach were not redressable and were thus moot because they all lacked the power to grant Ali's request for an alternative menu accommodation. *Id.* at 3a–4a.

The court next affirmed the dismissal of Ali's claim for money damages under RLUIPA. *Id.* at 4a–8a. According to Chief Judge Sutton, this Court's precedents do not allow ambiguous statutory terms like "appropriate relief" to allow claims for money damages against the States and their officers. *Id.* at 5a–6a. Instead, Congress must be unmistakably clear in creating such liability in Spending Clause legislation

such as RLUIPA. *Id.* at 7–8a. Moreover, every circuit court to consider the issue reached the same conclusion: "that RLUIPA does not permit individual-capacity damages suits against state officials." *Id.* (citing *Tripathy* v. *McKoy*, 103 F.4th 106, 114 (2d Cir. 2024), *petition for cert. filed*, No. 24-229 (Aug. 27, 2024); *Landor* v. *La. Dep't of Corr. & Pub. Safety*, 82 F.4th 337, 341–44 (5th Cir. 2023), *cert. granted*, 145 S. Ct. 2814 (2025); *Fuqua* v. *Raak*, 120 F.4th 1346, 1359–60 (9th Cir. 2024)).

The Sixth Circuit also rejected Ali's claim for injunctive and declaratory relief against Leach under RLUIPA. App. 9a–10a. Regarding Leach's denial of the vegan meal, Ali's claim fell short because he could "re-apply for the vegan diet today" and "he could have re-applied any time after 2018," and his new application could explain his non-halal purchases. *Id.* The request for an alternative menu that Ali made in his lawsuit also failed because he could also apply for that meal at any time; he could also "supplement his diet by purchasing halal sausages from the prison commissary." *Id.* Ali's claims that he could not afford halal meats from the commissary was contradicted by "the undisputed record," which showed that "Ali spent roughly ninety dollars each month on various food items in the commissary." *Id.* The court concluded that "appropriate relief comes from Michigan prisons and not federal courts." *Id.*

The court of appeals next turned to Ali's claim for injunctive relief under RLUIPA against MDOC. *Id.* at 10a–11a. RLUIPA requires that a litigant suing a governmental entity for imposing " 'a substantial burden on' " the exercise of his religion identify a specific policy hindering that exercise. *Id.* at 11a (quoting 42 U.S.C. §

2000cc-1(a)). But Ali did not state a claim for relief because he did not "identify [an MDOC] policy that violates RLUIPA." *Id.* at 10a.

The court also affirmed the dismissal of Ali's claim for money damages under the First Amendment's Free Exercise Clause against Adamson and Leach, because their conduct was protected by qualified immunity. *Id.* at 11a–13a. Adamson did not violate clearly established law because he "help[ed], not hinder[ed]" Ali by recommending approval of his request for a vegan meal and, because he was not the deputy director, he could not approve the alternative meal. *Id.* at 11a–12a. Leach denied Ali's request for the vegan meal because he had made "over a hundred" purchases of non-halal foods in the three months preceding his request, which did not violate any clearly established law. *Id.* at 13a–14a.

Ali sought en banc review, which the Sixth Circuit denied. *Id.* at 15a. On July 29, 2025, Ali filed a petition for a writ of certiorari. Respondents waived response, but on November 4, 2025, this Court ordered Respondents to file a brief in opposition.

REASONS FOR DENYING THE PETITION

I. Ali fails to establish any of the grounds for granting certiorari on any of his five questions presented, and each question is marred by vehicle problems.

This Court, under Rule 10(a), restricts the grant of certiorari to petitions that demonstrate compelling reasons. Ali's pro se status does not relieve him of the burden of establishing the compelling grounds necessary for this Court to grant his petition, and Ali fails to sustain that burden. He shows no circuit split on his questions presented and does not show that the court below departed from this Court's precedent. Instead, he asks this Court to take a second look at the well-reasoned decision below. This Court should deny his petition.

A. This Court is already considering the RLUIPA issue in *Landon*, and this case presents a poor vehicle to address that issue.

Ali's five questions presented contain a single arguably important issue of federal law: whether money damages are available against state officials under RLUIPA. Pet. at 6–7. But this Court already granted certiorari on that issue in *Landor*, 145 S. Ct. 2814, and held oral argument on November 10, 2025. Ali offers no reason why this Court should consider this issue a second time in less than a year. The facts of this case do not allow this Court to squarely address the issue of money damages under RLUIPA. *Landor* presents the same issue, articulating it more clearly and with greater precision.

Consistent with his religious faith, Landor did not cut his hair for nearly 20 years. *Landor*, 82 F.4th at 340. The two facilities in which he was initially housed

respected his beliefs "and allowed him to either wear his hair long or to keep it under a 'rastacap.' " *Id.* Following his transfer to another facility, however, prison officials disregarded Landor's beliefs. Shortly after his transfer, at the warden's behest, "two guards carried him into another room, handcuffed him to a chair, held him down, and shaved his head." *Id.* Ali's petition presents nothing approaching this.

Here, Ali applied for the halal-compliant vegan meal once, in September 2017, and has not applied again; he has never applied for the alternative meal. By his own admission, he does not want the vegan meal that he was denied, and instead desires the alternative meal that he never applied for. App. 24a. At the time of his request, however, Ali acknowledged that the meal he was requesting was vegan. App. 18a. Ali could reapply for the vegan meal, or apply for the alternative meal, at any time. Instead of making that minimal effort, he now asks this Court to grant certiorari. In brief, the Sixth Circuit correctly ruled that Ali did not state a claim for relief because he did not "identify [an MDOC] policy that violates RLUIPA." *Id.* at 10a. The issue about whether RLUIPA provides for money damages is not joined because he has no valid claim that RLUIPA has been violated.

The merits of the legal claim notwithstanding, the contrast between *Landor* and the present case could not be more stark. Once Louisianna officials cut Mr. Landor's hair, the damage that Landor alleged was done and only the passage of another 20 years can return his hair. Ali, however, could have reapplied for MDOC's religious meal in 2018, or any time since then. And because he never applied for the alternative meal plan, he could still apply for it at any time. Ali has done neither. Additionally,

the individual Respondents whom Ali contends violated RLUIPA—Adamson, Jackson, and Leach—no longer work for MDOC and thus could not decide or even weigh in on Ali's requests.

On the merits, every circuit to consider the issues has concluded that, under RLUIPA, money damages are not available against state officials. See *Tripathy*, 103 F.4th at 114; *Washington* v. *Gonyea*, 731 F.3d 143, 145 (2d Cir. 2013); *Sharp* v. *Johnson*, 669 F.3d 144, 154–55 (3d Cir. 2012); *Landor*, 82 F.4th at 341–44; *Nelson* v. *Miller*, 570 F.3d 868, 889 (7th Cir. 2009), *abrogated on other grounds*, *Jones* v. *Carter*, 915 F.3d 1147, 1149–50 (7th Cir. 2019); *Scott* v. *Lewis*, 827 F. App'x 613 (8th Cir. 2020); *Fuqua*, 120 F.4th at 1359–60; *Stewart* v. *Beach*, 701 F.3d 1322, 1335 (10th Cir. 2012); *Smith* v. *Allen*, 502 F.3d 1255, 1275–76 (11th Cir. 2007), *overruled on other grounds*, *Hoever* v. *Marks*, 993 F.3d 1353, 1363 (11th Cir. 2021). And for good reason—RLUIPA is Spending Clause legislation, which requires Congress to speak in "unmistakably clear" language in "alter[ing] the usual constitutional balance between the States and the Federal Government." *Gregory* v. *Ashcroft*, 501 U.S. 452, 460 (1991). And the relevant RLUIPA language—authorizing "appropriate relief"—"does not satisfy the one imperative of clarity." *Haight* v. *Thompson*, 763 F.3d 554, 570 (6th Cir. 2014). Even if this Court were to hold that RLUIPA allows money damages, Ali would not benefit from that ruling. Neither the district court nor the Sixth held that, but for the bar on monetary damages, Ali could sustain a RLUIPA claim. To the extent Ali has a viable RLUIPA claim, Respondents are protected by qualified immunity. See *Tanzin* v. *Tanvir*, 592 U.S. 43, 51 (2020) (agreeing that governmental defendants can

assert qualified immunity as a defense to claims brought under the Religious Freedom Restoration Act of 1993 (RFRA), 42 U.S.C. § 2000bb *et seq*.). Ali's inability to show the violation of a clearly established right under the First Amendment similarly dooms a money damages claim under RLUIPA.

Finally, Ali's RLUIPA claims are not viable because the defendants he named were either dismissed without objection or lacked the authority to grant the request on which Ali premises his case. Ali waived further review of Jackson's dismissal because he did not object to the magistrate judge's recommendation.[2] App. 23a. Nor did Ali contest Jackson's dismissal in the Sixth Circuit, effectively abandoning appellate review.[3]

Ali likewise has no viable RLUIPA claims against Adamson who, after all, recommended that Leach approve Ali's request for the vegan meal, lacked the authority to grant that request, and played no role in the review of applications for the alternative meal. *Id*. at 3a, 11a–12a. Leach denied Ali's request for the vegan meal based on commissary purchased that were inconsistent with Ali's professed religious beliefs. *Id*. at 3a, 13a–14a. Even if that constituted a RLUIPA violation, it is not actionable

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[2] Circuit courts may "establish a rule that the failure to file objections to the magistrate's report waives the right to appeal the district court's judgment." *Thomas* v. *Arn*, 474 U.S. 140, 142 (1985). The Sixth Circuit has such rule. *United States* v. *Wandahsega*, 924 F.3d 868, 878 (6th Cir. 2019) ("In this circuit, the failure to object to a magistrate judge's Report and Recommendation results in a waiver of appeal on that issue as long as the magistrate judge informs the parties of the potential waiver.") Ali waived his appeal of Jackson's dismissal because he filed no objections to the report and recommendation and, despite the Sixth Circuit's consideration of Jackson's dismissal, never appealed it. App. 23a.

[3] Although the Sixth Circuit addressed the district court's dismissal of Jackson, none of Ali's arguments on appeal were directed to Jackson.

because Ali admitted that he does not want the vegan meal. *Id.* at 23a. Instead, he now claims that he wants the alternative meal, which he never applied for. *Id.* at 2a, 9a–11a. Even if Ali had applied for the alternative meal, Leach lacked the authority to grant that request. *Id.* Accordingly, because Ali has no viable RLUIPA claims, he could not sustain a claim for money damages against Adamson or Leach.

B. The four remaining questions put forward by Ali neither present important issues of federal law nor satisfy the criteria of Rule 10(a), and all contain vehicle problems.

In addition to the question whether RLUIPA authorizes money damages against state officials, Ali requests relief on four other issues. These also fail to satisfy Rule 10(a) as there is no circuit split or other compelling reason for this Court's involvement. What is more, Ali's petition is a poor vehicle for considering the questions he presents to this Court. He mischaracterizes the Sixth Circuit's holdings and, at times, argues against conclusions it never actually made. And, in opposing those often-illusory holdings, Ali raises issues and arguments that he never raised below. As such, even if Ali presented one or more issues worthy of granting certiorari, this Court would be best served by waiting for an appropriate case that cleanly presents those issues for this Court's consideration.

1. Ali's challenge to the Sixth Circuit's mootness conclusion related to his prison transfer is fully supported by this Court's precedent.

In his second question presented, Ali argues that the Sixth Circuit erred by dismissing as moot his claims for injunctive relief against Jackson and Adamson under RLUIPA and the First Amendment, and Leach under the First Amendment.

The Sixth Circuit's mootness decision is consistent with this Court's Article III jurisprudence, which has consistently held that federal courts lack jurisdiction over claims where the alleged injuries are not redressable by a favorable ruling. See, e.g., *Lujan* v. *Defenders of Wildlife*, 504 U.S. 555, 561–62, 570–71 (1992). If it becomes impossible to grant a party relief while a case is pending on appeal, it must be dismissed as moot. *Church of Scientology of Cal.* v. *United States*, 506 U.S. 9, 12 (1992).

Here, because the individual Respondents are not able to provide the relief Ali seeks—as they both lack the authority to grant the meal he seeks and Ali now resides at a entirely different correctional facility, App. 3a–4a—the Sixth Circuit correctly, and consistently with this Court's holdings, dismissed those claims as moot. Furthermore, this decision was consistent with the decisions of other circuits. See *Haley* v. *Pataki*, 60 F.3d 137, 141 (2d Cir. 1995) (dismissing appeal as moot because "it is axiomatic that there must be a continuing controversy capable of redress by this Court"); *Constand* v. *Cosby*, 833 F.3d 405, 412 (3d Cir. 2016) (holding that because the a favorable ruling "would not provide [the appellant] with any meaningful relief . . . this appeal is moot"); *Constellation Mystic Power*, *LLC* v. *FERC*, 45 F.4th 1028, 1047 (D.C. Cir. 2022) ("Because the portion of the orders subject to Mystic's challenge to the

Commission's capital structure decision has been vacated, we conclude that the challenge is moot.").

2. Ali's third question presented is founded on a misunderstanding of the Sixth Circuit's decision.

In his third question presented, Ali argues that the Sixth Circuit treatment of Leach's mootness is at odds with mootness principles for official-capacity suits. Pet. at 8. But his petition ignores that the only claims the Sixth Circuit found to be moot were against *individuals*—Adamson, Jackson, and Leach. Ali's petition thus addresses a holding that does not exist. Ali argues that, absent a "voluntary cessation" that cannot be "chang[ed] back," departure from office does not moot official-capacity claims because the claim falls to that official's successor in office. Pet. at 8 (citing *Mesquite* v. *Aladdin's Castle*, *Inc.*, 455 U.S. 283, 289 (1982); *Roe* v. *Wade*, 410 US 113, 123 (1973), *overruled by Dobbs* v. *Jackson Women's Health Org.*, 597 U.S. 215 (2022); and *Will* v. *Mich. Dep't State Police*, 491 U.S. 58, 71 (1989)). This argument does not apply to the Sixth Circuit's holding that Ali's claims against the individual Respondents were moot. App. 3a–4a. It also ignores that none of the individual Respondents can grant Ali the relief he seeks, or (because they no longer work for MDOC) repeat the conduct that Ali complains about.

3. Ali did not present the issue in his fourth question presented to the court below, and the Sixth Circuit's denial of his injunctive-relief RLUIPA claim is consistent with this Court's precedent.

Ali's fourth question presented likewise does not present an issue worthy of this Court's consideration, nor is it properly presented. Ali claims that the Sixth

Circuit erred because it affirmed dismissal of his injunctive-relief RLUIPA claim on the ground that his complaint did not state a claim on which relief could be granted. Pet. at 9. This argument fails for several reasons.

First, Ali misconstrues both the procedural posture of this case as well as the Sixth Circuit's holding. To begin with, the district court already held that, other than his claim against MDOC, his complaint raised plausible claims. (Screening Op., R. 7, Page ID # 41–43.) Neither the district court's dismissal nor the Sixth Circuit's decision affirming it were based on the sufficiency of the allegations in Ali's complaint. After all, this case went through discovery and was dismissed at the summary judgment stage. The courts below held that Ali made legal claims that were not cognizable regardless of the pleadings, such as requesting money damage against state officials under RLUIPA and failing to name a proper defendant. App. 2a, 12a, 26a–27a, 34a–35a. And, for those claims that were arguably cognizable, Ali failed to present sufficient evidence to support his claims. *Id.*

Second, this argument that was never presented below. Ali's petition for certiorari cites to *Ashcroft* v. *Iqbal*, 556 U.S. 662, 678 (2009) and *Monell* v. *Dep't of Social Services*, 436 U.S. 658 (1978). Pet. at 9. But he cited neither of these cases in the Sixth Circuit. And neither one of them applies here. *Iqbal* addressed the sufficiency a pleading needs to show to survive a motion to dismiss under Fed. R. Civ. P. 12(b)(6). Here, the issue was whether, following discovery, Ali showed genuine issue of material fact.

Ali erroneously claims that *Monell* applies because he showed a "systematic practice" of "the chaplain . . . misdirect[ing] Muslim inmates to vegan meals rather

than true halal accommodations, and the special activities coordinator categorically den[ying] religious meals based on commissary purchases." Pet. at 9. But Ali has shown nothing of the sort. He was denied a vegan meal once, in 2017, and never reapplied. And he never applied at all for the alternate meal. The evidence Ali submitted was insufficient to sustain a claim based on that one denial, let alone a "systematic" denial. Moreover, *Monell* allows § 1983 claims only against municipalities; it does not apply to RLUIPA claims against the States or their officers. *Monell*, 436 U.S. at 690; *Will*, 491 U.S. at 58; *Chambers* v. *Sanders*, 63 F.4th 1092, 1101 (6th Cir. 2023). Regardless, because Ali never raised a *Monell* claim or even cited it in the Sixth Circuit, this argument is baseless.

Even aside from Ali's misunderstanding of the decision below, the dismissal of Ali's claims for injunctive relief under RLUIPA against Leach and MDOC comports with this Court's decisions because Ali did not show a substantial burden on the exercise of a sincerely held religious belief. See *Holt* v. *Hobbs*, 574 U.S. 352, 361 (2015) (holding that, under RLUIPA, plaintiffs bear the burden of proving that a policy substantially burdened their exercise of religion). Ali cannot show that Leach's denial of his request for the vegan meal substantially burdened his religious exercise because he does not want the vegan meal. App. 23a ("To Ali . . . a vegetarian or vegan meal is insufficient.") Moreover, he has been eligible to reapply since 2018, yet has not done so. App. 9a–10a. As for his request for the alternative meal, he never applied for one; and, even if he had, only MDOC's deputy director—not Leach—could grant that request. *Id*. at 2a, 11a–12a, 19a, 24a. Finally, Ali was able to supplement his diet with

halal meats purchased from the prison commissary. Although Ali argued below that "his prison salary does not cover the halal meats in the commissary," Chief Judge Sutton was unswayed, noting that "the undisputed record says that he can afford them. Ali spent roughly ninety dollars each month on various food items in the commissary." *Id.* at 10a. Accordingly, "[t]he presence of alternative sources of halal meats undercuts [Ali's] charge of coercive pressure" to compromise his faith. *Id.* at 10a.

This is not at all like the situation in *Holt*, where prison officials gave the petitioner no choice but to shave his beard because they refused to depart from their no-beard policy by accommodating his request to grow a half-inch beard. 574 U.S. at 355–56. Notably, the *Holt* petitioner believed that his religion did not allow him to trim his beard at all, but was willing to compromise by keeping his beard at a length of one-half inch. *Id.*

Moreover, the Sixth Circuit's holding created no circuit split. See *Abdulhaseeb* v. *Calbone*, 600 F.3d 1301, 1321 (10th Cir. 2010) (holding that a single denial of an acceptable religious meal does not "establish a genuine issue of material fact as to substantial burden" under RLUIPA "and thus summary judgment was appropriate"); *Miles* v. *Guice*, 688 F. App'x 177, 178–79 (4th Cir. 2017) (holding that summary judgment was properly granted because the prisoner failed to show that prison officials' denial of access to a vegan diet substantially burdened the exercise of his religious beliefs because they were not blanket bans).

Ali's claims regarding MDOC suffer from an additional infirmity, namely Ali's failure to identify any MDOC policy that substantially burdened his religious

exercise. App. 10a–11a. Ali cannot rely on the denial of the vegan meal because, as noted by Chief Judge Sutton, "the Department of Corrections did not refuse that request. Leach did." *Id.* at 11a. The Sixth Circuit's holding is consistent with this Court's jurisprudence, which requires a challenge to a policy. See *Ramirez* v. *Collier*, 595 U.S. 411, 418, 430 (2022) (holding that Texas Department of Criminal Justice policy barring religious advisors from entering the execution chamber substantially burdened the exercise of the petitioner's religion); *Holt*, 574 U.S. at 355–61 (holding that Arkansas Department of Correction's grooming policy placed a substantial burden on the exercise of the petitioner's religion).

Ali can show no circuit split on this issue either, because there is none. See, e.g., *Hartmann* v. *Ca. Dep't of Corr. & Rehab.*, 707 F.3d 1114, 1125 (9th Cir. 2013) ("To survive a motion to dismiss on their RLUIPA claim, plaintiffs must allege facts plausibly showing that the challenged policy and the practices it engenders impose a substantial burden on the exercise of their religious beliefs."); *Peterson* v. *Lampert*, 499 F. App'x 782, 785–86 (10th Cir. 2012) ("Plaintiff in this case has failed to identify any prison policy that prevented his participation or substantially burdened his right to exercise his religion. Thus, Plaintiff's RLUIPA claims also fail.").

4. Ali's fifth and final question presented is again premised on a misunderstanding of the procedural posture of the case.

For his final question presented, Ali argues that, under *Cutter* v. *Wilkinson*, 544 U.S. 709, 719 (2005), and *Ford* v. *McGinnis*, 352 F.3d 582, 597 (2d Cir. 2003), it was clearly established that prison officials cannot be deliberately indifferent to

"prison inmates' religious dietary needs" under the First Amendment. Pet. at 9. Other than mentioning kosher meals in one footnote, *Cutter* had nothing to do with religious meals or the deliberate indifference standard. 544 U.S. at 721 n.10. *Ford* likewise does not discuss the deliberate indifference standard, and its discussion of religious meals was limited to a situation where prison officials moved a religious feast from a weekday to a weekend. 352 F.3d at 585. Unlike Ali, once the feast passed, the plaintiff had no ability to "reapply." Rather, like the *Landor* plaintiff alleged, the opportunity was gone.

Ali further claims that the Sixth Circuit imposed an "unduly exacting standard" that "ignore[d] Ali's well-pleaded allegations." Pet. at 9. This argument misses the mark because, like his *Iqbal* argument, his First Amendment money-damage claims were not dismissed based on his pleadings, but rather at the summary disposition stage based on his inability to present sufficient evidence to sustain his claims and on grounds of qualified immunity. App. 11a–14a. Ali cites to *Tanzin*, 592 U.S. at 49–52, for qualified immunity, which provides little discussion of the issue, other than agreeing that federal defendants can raise qualified immunity against claims brought under the RFRA. Pet. at 9.

As with his other issues, Ali's claims for money damages under the First Amendment against Adamson and Leach also fails to present any basis for granting certiorari. His claim against Adamson has no merit; it strains credulity to argue that Adamson violated the Eighth Amendment by recommending that Leach *approve* Ali's application for the vegan meal. Regarding Leach, Ali points to no clearly established

law holding that a prison official violates the First Amendment by denying a Muslim prisoner's religious meal accommodation where that prisoner purchased "three sausages and over a hundred meat-flavored ramen noodles—all haram—in the three months before his application." App. 3a, 13a–14a.

A recent Eleventh Circuit case, with facts nearly identical to the present one, confirms that there is no circuit split on this issue. In *Sumrall* v. *Georgia Dep't of Corrections*, 154 F.4th 1304, 1308 (11th Cir. 2025), a Georgia prisoner "practice[d] veganism as part of his religious commitment" and "enrolled in the [prison's] Alternative Entrée Program, an opt-in vegan meal plan." Due to the prisoner's "purchase[] [of] large quantities of non-vegan food from the prison store—Cheetos, chili, chicken soup, and the like," prison officials soon removed him from the program. *Id.* The district court dismissed and the Eleventh Circuit affirmed, finding no clearly established right prohibiting prison officials from questioning the sincerity of the prisoner's beliefs based on purchases that contradicted his professed beliefs. *Id.* at 1311. Accordingly, the defendants were entitled to qualified immunity. *Id.* at 1311–12.

In short, none of the questions presented by Ali merit this Court's review. Aside from the question whether RLUIPA authorizes money damages claims against individual defendants—which this Court is already considering on a clearer factual record—none of his claims warrant this Court's review. His claims were either not raised below, are premised on a misunderstanding of the opinion below, or are otherwise not well presented for this Court's consideration.

II. The Sixth Circuit reached the correct decision on the merits.

In addition to Ali's failure to establish any grounds for granting certiorari and this case presenting a poor vehicle for review, the Sixth Circuit reached the correct decision on the merits.

A. Money damages are not available under RLUIPA to claims against state officials in their individual capacities.

The Sixth Circuit correctly ruled on Ali's claim for money damages under RLUIPA. App. 4a–8a. Honoring the clear statement rule this Court set forth in *South Dakota* v. *Dole*, 483 U.S. 203, 205–07 (1987) and reiterated in *Arlington Cent. Sch. Dist. Bd. of Educ.* v. *Murphy*, 548 U.S. 291, 295–96 (2006), as well as this Court's holding that, in the RLUIPA context, the scope of "appropriate relief" is ambiguous, *Sossamon* v. *Texas*, 563 U.S. 277, 293 (2011), the Sixth Circuit concluded that because RLUIPA did not clearly provide for money damages in personal capacity suits, such damages were not recoverable, *id.* at 4a–8a.

The Sixth Circuit distinguished *Tanzin*, 592 U.S. 43, which allowed for money damages in RFRA suits against federal officials. App. 5a–8a. The court held that Congress could not, in legislation enacted under the Spending Clause, bind the States and their officials as tightly as it could the federal government and its officials under RFRA, which was enacted under the Fourteenth Amendment. App. 5a–6a. Instead, "RLUIPA extends to state officials due only to Congress's spending power to 'implement federal policy it could not impose directly under its enumerated powers' by offering the States money to comply with this extra-constitutional regulation." *Id.* at 7a (quoting *Nat'l Fed'n of Indep. Bus.* v. *Sebelius*, 567 U.S. 519, 578 (2012)).

This distinction "makes all the difference: because '[o]ne source of congressional authority, the spending power, requires careful scrutiny and a clear statement to ensure that state officials made 'a legitimate choice whether to accept' the otherwise unconstitutional regulations 'in exchange for federal funds.' " App. 7a (quoting *Sebelius*, 567 U.S. at 578). In other words, money damages are not available in individual capacity RLUIPA suits against state officials, despite the availability of money damages in individual capacity RFRA suits against federal officials, because the clear statement rule governs only the former. App. 7a–8a.

Further, the Sixth Circuit rightly found that "[o]ur sister circuits agree." *Id*. at 8a (citing *Landor*, 82 F.4th at 341–44, *Tripathy*, 103 F.4th at 114, and *Fuqua*, 120 F.4th at 1359–60). If anything, the Sixth Circuit understated the case by only citing recent decisions because, as discussed above, the Second, Third, Fifth, Seventh, Eighth, Ninth, Tenth, and Eleventh have all held that money damages are not available in a RLUIPA action against state officials.

B. Ali's moot claims are not capable of repetition yet evading review.

Ali argues that he "seeks relief from MDOC's systematic policy of denying halal meal, which applies uniformly across MDOC facilities." Pet. at 7. Ali, however, never raised this claim below. See I.B.3 above. As to the claims Ali did present, and on which the Sixth Circuit ruled, he fails to show any flaw in its reasoning. Nor could he.

The Sixth Circuit's mootness holding was restricted to Ali's claims for injunctive relief against the individual Respondents: Adamson, Jackson, and Leach. App. 3a–4a. With regard to Ali's request for the vegan meal, Jackson played no role at all,

and Adamson had no decision-making role. *Id*. Only Leach, the special activities coordinator, could approve that request. *Id*. at 3a–4a, 9a–10a. Thus, Ali's claimed injury—the denial of his request for the vegan meal—was not redressable by either Jackson or Adamson. Nor could Jackson or Adamson approve Ali's request for an alternative meal plan; only MDOC's deputy director could approve such a request. *Id*.

Ali's transfer from the Carson City Correctional Facility to the Thumb Correctional Facility added an addition layer of mootness because Ali failed to "produce any evidence that the chaplain and warden at his old prison can obtain this requested plan at his new prison." *Id*. at 3a–4a. That accords with this Court's decision in *Preiser* v. *Newkirk*, 422 U.S. 395, 396–97 (1975), in which a prisoner was transferred from a medium to a maximum-security prison "without explanation or hearing." The prisoner sued, seeking declaratory and injunctive relief. *Id*. Following this Court's grant of certiorari, the prisoner was transferred to a minimum-security facility. *Id*. at 401. This Court found that this transfer mooted the prisoner's claim, regardless of whether the initial transfer violated the Constitution. *Id*. at 403–04.

Other circuit courts are in accord with this Court and the Sixth Circuit and routinely find that transfer to another prison moots claims for an individual prisoner's request for injunctive relief absent challenge to a system-wide policy. See, e.g., *Booker* v. *Graham*, 974 F.3d 101, 107–08 (2d Cir. 2020) ("Booker's RLUIPA claims are moot because he was transferred out of Auburn."); *Hennis* v. *Varner*, 544 F. App'x 43, 45 (3d Cir. 2013) ("Hennis' request for injunctive relief for the loss of his prison job at SCI Greensburg became moot upon his transfer to SCI Pine Grove.");

Rendelman v. *Rouse*, 569 F.3d 182, 186 (4th Cir. 2009) ("Defendants are correct that, as a general rule, a prisoner's transfer or release from a particular prison moots his claims for injunctive and declaratory relief with respect to his incarceration there."); *Herman* v. *Holiday*, 238 F.3d 660, 665 (5th Cir. 2001) ("Herman's transfer from the ECDC to the Dixon Correctional Institute in Jackson, Louisiana, rendered his claims for declaratory and injunctive relief moot."); *Hildreth* v. *Butler*, 960 F.3d 420, 431 (7th Cir. 2020) ("Hildreth admits he has been moved to a different area of the prison where he may now possess a typewriter in his cell. This renders moot his claim for prospective injunctive relief."); *Smith* v. *Hundley*, 190 F.3d 852, 855 (8th Cir. 1999) ("Smith was transferred to ASP, and he is no longer subject to the alleged unlawful policies or conduct of ISP officials. Therefore, we find Smith's claims for relief to be moot."); *Nelson* v. *Heiss*, 271 F.3d 891, 897 (9th Cir. 2001) ("[W]hen a prisoner is moved from a prison, his action will usually become moot as to conditions at that particular facility."); *Jordan* v. *Sosa*, 654 F.3d 1012, 1029–30 (10th Cir. 2011) (finding claim for injunctive relief following the plaintiff's transfer to another prison moot because "[a]ny prospective relief that we might order against the named defendants would be too abstract and lacking in real-world impact to satisfy the requirements of the Constitution").

The same is true for Ali's First Amendment claim for injunctive relief against Leach. As the decision below pointed out, although Leach—unlike Adamson or Jackson—worked for MDOC itself rather than a single facility, Ali could sue Leach only in his individual capacity under *Will*, 491 U.S. at 71. But Leach had left his position

with MDOC and could no longer grant relief to Ali. *Ali*, 132 F.4th at 930. As held by the Sixth Circuit, Ali's claims for injunctive relief against Adamson, Jackson, and Leach in their individual capacities are moot.

Nonetheless, Ali attempts to revive these claims by arguing that they are capable of repetition yet evading review. This argument lacks merit. Ali cites to *Southern Pacific Terminal Co.* v. *Interstate Com. Comm'n.*, 219 U.S. 498, 515 (1911). There, this Court held that governmental agencies cannot elude the unlawful consequences of their established, long-term policies by granting short-term exceptions in order to avoid judicial scrutiny. *Id.* Ali, of course, does not challenge any MDOC policy, and the claims that the Sixth Circuit held to be moot are claims against the individual Respondents, Adamson, Jackson, and Leach. *Southern Pacific Terminal Co.* does not apply.

Ali also ignores that "the capable-of-repetition doctrine applies only in exceptional situations." *City of Los Angeles* v. *Lyons*, 461 U.S. 95, 109 (1983). And it only applies where two factors are present. First, the duration of the challenged action must be so brief that it could not be fully litigated before the challenged action ends. *Spencer* v. *Kemna*, 523 U.S. 1, 17 (1998). Second, it must be reasonably expected that the plaintiff will again be subjected to the challenged action at a future date. *Id.* Both elements must be present at the same time. *Id.* Ali does not present an exceptional situation that can satisfy this test.

C. Ali's claims for injunctive relief under RLUIPA are not viable.

The Sixth Circuit also reached the right result on Ali's claim for injunctive relief under RLUIPA. Common sense dictates that governmental officials cannot be ordered, via injunction, to take actions beyond the scope of their authority. It also follows that providing a litigant with a remedy they do not actually want fails to redress their claimed harm. Here, neither Adamson nor Jackson had the authority to grant either the vegan meal or the alternative meal. App. 3a–4a, 25a, 31a. Leach denied the vegan meal, but that is of no consequence because Ali does not want the vegan meal. *Id.* at 23a. Leach could not have granted Ali the alternative meal because only MDOC's deputy director has that authority. *Id.* at 2a–3a, 11a, 23–27a, 34a.

This, however, did not leave Ali bereft of a remedy. He could have sued an official with the power to grant the relief he now seeks, such as MDOC's deputy director. He could have reapplied for the vegan meal after one year or applied for the alternative meal. App. 9a–10a. Instead, he has done nothing for several years yet now asks this Court for relief.

The Sixth Circuit held that Ali failed to state a claim for relief because he did not "identify [an MDOC] policy that violates RLUIPA." *Id.* at 10a. In reaching this decision, the court noted that "[i]n truth, [MDOC's] policies accommodate [Ali]. They permit prisoners to request a vegan meal that complies with [h]alal religious tenets and so does not contain haram meat or cross-contaminated food." App. 11a. This reasoning is sound, and Ali fails to show otherwise.

D. Adamson and Leach are protected by qualified immunity because Ali cannot show that either of them violated a clearly established First Amendment right.

The Sixth Circuit held that Adamson and Leach were protected by qualified immunity because their conduct did not violate a clearly established First Amendment right and Ali points out no authority that holds otherwise. *Id.* at 11a–14a. As aptly noted by the decision below, Adamson recommended approval of Ali's request for the vegan meal. App. 11a–14a. It is difficult to see how Adamson's recommendation to approve Ali's application violated any First Amendment right, let alone one that was clearly established at the time, and Adamson played no role in the approval process for the alternative meal that Ali never applied for. *Id.* at 12a, 19a, 24a.

Leach's denial of Ali's application for the vegan meal was based on over one hundred commissary purchases that conflicted with Ali's professed religious beliefs. *Id.* at 13a–14a. As for Ali's claim that Leach denied his request for the alternative menu, this argument elides that he never applied for it and, if he had, only MDOC's deputy director, whom Ali did not sue, could have approved it. *Id.* at 2a, 11a–12a, 19a, 24a. Ali points to no clearly established law showing that Leach violated the First Amendment, effectively ending the matter.

CONCLUSION

The petition for certiorari should be denied.

Respectfully submitted,

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