

No. 25-965

In the Supreme Court of the United States

DANIEL GRAND, PETITIONER,

v.

CITY OF UNIVERSITY HEIGHTS, OHIO, *et al.*,
RESPONDENTS.

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

**BRIEF OF RELIGIOUS FREEDOM INSTITUTE,
AMERICAN HINDU COALITION, MUSLIM
POLITICAL AFFAIRS COUNCIL, MASJID
MUHAMMAD, NEW YORK YEARLY MEETING
OF THE RELIGIOUS SOCIETY OF FRIENDS,
INTERNATIONAL SOCIETY FOR KRISHNA
CONSCIOUSNESS, INC., COALITION OF
VIRTUE, AND AMERICAN MUSLIM LEAGUE,
AS *AMICI CURIAE* SUPPORTING PETITIONER**

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INTEREST OF *AMICI CURIAE*¹

The Religious Freedom Institute's Islam and Religious Freedom Action Team ("IRF") represents and amplifies Muslim voices on topics related to religious freedom, seeks a deeper understanding of the support for religious freedom from inside the teachings of Islam, and protects the religious freedom of Muslims across the country. IRF engages in research, education, and advocacy on core issues like freedom of religion, and the freedom to live out one's faith, particularly when, as here, those core natural rights are threatened by government officials. IRF explores and supports religious freedom by translating resources by Muslims about religious freedom, fostering inclusion of Muslims in religious freedom work both in places where Muslims are a majority and where they are a minority, and partnering with the Institute's other teams in advocacy.

The American Hindu Coalition ("AHC") is an apolitical national advocacy organization representing Hindus, Buddhists, Jains, Sikhs, and related members of minority religions that frequently face discrimination and misunderstandings, as their religious practices and beliefs are unfamiliar to

¹ No counsel for any party authored this brief in whole or in part. No person or entity other than *Amici* and their counsel made a monetary contribution intended to fund the preparation or submission of this brief.

certain members of mainstream America. AHC advocates for the full protection and support of First Amendment religious liberties for all.

The Muslim Political Affairs Council (“MPAC”) is a community-based public affairs nonprofit organization working for the integration of Muslims into American society. MPAC aims to increase the public understanding of Islam and to improve policies that affect American Muslims, by engaging with government, media, and communities. MPAC’s view is that America is enriched by the vital contributions of American Muslims. MPAC works diligently to offer the public a portrayal that goes beyond stereotypes and shows that Muslims are part of a vibrant American pluralism.

Masjid Muhammad, also known as The Nation’s Mosque, is one of the oldest mosques in the United States, and was founded in the mid-1930s by an African American Muslim community. It was established as the first community mosque to be built from the ground up, by American citizens, in the Nation’s Capital, and it is still the only mosque in Washington, DC, built by its citizens and local residents. Today, Masjid Muhammad is representative of the oldest established Muslim community in the Nation’s Capital and America. Masjid Muhammad strongly believes that the protection of religious liberty is a principle that must apply equally to all people and all faith communities, anchored in the very text of the Qur’an, which

recognizes the importance of protecting places where God is worshipped, including monasteries, churches, synagogues, and mosques. *See* Qur'an 22:40.

The New York Yearly Meeting of the Religious Society of Friends (“NYYM”), the governing body for 65 Quaker meetings and churches in New York, Connecticut, and New Jersey, has existed since 1695. Quakers (also known as “Friends”) have worshiped in private homes since the Society’s 1647 founding in Great Britain, a practice that provoked persecution culminating in William Penn’s prosecution for unlawful public worship and the jury acquittal that produced the first noted instance of jury nullification in *Bushell’s Case*, 124 E.R. 1006 (1670). That persecution followed Friends to America: Massachusetts executed three Quakers, including Mary Dyer, for insisting on the right to worship, and New Netherland’s Governor Peter Stuyvesant banned Quaker home meetings, provoking the 1657 Flushing Remonstrance and the arrest and banishment of John Bowne for hosting Quaker worship in his Flushing home—a banishment the Dutch West India Company reversed, ordering Stuyvesant to permit free religious practice. NYYM meetings continue to worship in members’ homes today without seeking governmental permission, a practice that deepens community and reduces costs for seekers of limited means. Thus, NYYM strongly supports the ability of religious adherents to practice their religion in their homes, without the undue burdens of local governments hampering their ability to do so.

The International Society for Krishna Consciousness, Inc. (“ISKCON”) is a monotheistic, or Vaishnava, tradition within the broad umbrella of Hindu culture and faith. There are approximately 1000 ISKCON temples worldwide, including more than 60 in the United States. In addition, because ISKCON is a religious minority in the United States that often relies on courts to protect its rights, it broadly supports the rights of religious persons to practice their faith in their homes with fellow believers free from government intrusion. ISKCON members regularly meet in the homes of fellow congregants across America for social and religious gatherings, or *sangas*. These meetings, usually held in the evening after work, or on weekends, range in size from a small group of ten to over one hundred persons, including adults and children. Believers sing, chant, share scriptural readings and discussions, worship at their home altars, share meals of sanctified foods, and observe other similar forms of *bhakti-yoga*, or devotional service to God. ISKCON believes these activities must remain protected religious practices that every American should be free to perform in their homes.

The Coalition of Virtue (“COV”) is a domestic policy organization that advocates for the Muslim community’s traditional family values in furtherance of the common good. It holds that all human beings are created by God with dignity, rights, and duties, and that the virtues are the foundation of civilization. COV promotes virtue in society, grounded in divine

guidance as embodied in the Islamic tradition, in cooperation with those who share its moral vision. It envisions an America where families have a say in their children's education, equal opportunities are available to all, and the highest good is championed. It advocates for policies that safeguard the rights of parents, the integrity of marriage and the family, and the life of the unborn.

The American Muslim League ("AML") is a patriotic Muslim civic organization that policymakers, leaders, and interfaith partners can engage with confidence to help mainstream American Muslims and champion our country as a unique beacon of liberty and opportunity. AML aims to prevent American Muslim identity from being defined around foreign conflict, sectarian divisions, and victimhood grievances – instead championing proud voices committed to freedom, innovation, and the pursuit of happiness. AML conducts polling on American Muslim realities, engages the media and policymakers with constructive policy solutions, mobilizes a vocal cohort of patriotic Muslims, and extends a hand of collaboration to all fellow Americans.

Given these longstanding institutional interests, *Amici* maintain a significant interest in the Court's proper resolution of the question presented here. *Amici* urge the Court to reverse the judgment of the Sixth Circuit, thereby confirming that claims raised under the Religious Land Use and Institutionalized

Persons Act (“RLUIPA”) do not require the sort of extensive exhaustion procedures mandated for property claims brought under the Takings Clause. In doing so, the Court will reinforce congressional intent underlying RLUIPA, and provide much-needed avenues for protection of plaintiffs who allege violations of their constitutional rights to free exercise of religion, even as local government zoning officials delay consideration of a religiously based zoning request.

INTRODUCTION & SUMMARY OF ARGUMENT

Religious discrimination in land use rarely wears a label. Local officials burden minority faiths not by denying their applications outright, but by never deciding them—through continuances, agenda pulls, and endless “incompleteness”—government officials can make a house of worship impossible while never fully adopting a decision for any court to review. The Sixth Circuit’s ripeness rule rewards exactly that strategy, and because covert obstruction such as this falls hardest on religious minorities, its consequences will too. *Amici*, who represent Muslim, Hindu, and Quaker minority faith communities with firsthand experience of these tactics, urge the Court to reverse.

Purportedly neutral zoning laws are disproportionately used against minority faiths, and that discrimination is usually compounded because it is so rarely delivered as a clean, appealable denial. Governments instead rely on delay-as-denial tactics: repeated continuances; shifting requirements; and indefinite, non-final “reviews,” all while maintaining that no terminal decision (and thus no ripe claim) yet exists. Courts confronting this tactic, including in cases involving mosques and other minority congregations, have recognized that the obstruction itself is the actionable harm, and examples from around the country confirm that this pattern is neither isolated nor incidental.

The *Williamson County* finality requirement—originally developed by this Court for takings claims—has no place in RLUIPA cases. Indeed, that requirement only exists in that limited universe of cases because a takings claim cannot be evaluated until the government has taken a final position on how a regulation applies to particular property. RLUIPA imposes no comparable prerequisite; liability turns on whether the government has substantially burdened religious exercise without adequate justification, an inquiry that discriminatory delay can itself satisfy. Congress directed that RLUIPA be construed broadly in favor of protecting religious exercise and tied its standing rules to ordinary Article III principles, not to an atextual finality gloss borrowed from an unrelated constitutional provision. The Sixth Circuit’s contrary rule should be reversed.

ARGUMENT

I. Reversal Is Needed To Protect The Ability Of Citizens—Notably Those Who Practice Minority Religions—To Engage In Free Exercise Of Religion On Their Property.

Reversal of the judgment below is necessary to protect the significant First Amendment rights of *Amici* and their members. The Sixth Circuit’s erroneous decision effectively requires untold numbers of Americans, like Petitioner, *Amici*, and *Amici*’s members, to sit idly by, subject to the whims

and scheduling of local bureaucrats, while their fundamental right to exercise their religion on their own property withers on the vine. As history has shown, these harms will fall excessively on practitioners of minority religions, who overwhelmingly face the biases of their neighbors for practicing different faiths. To be sure, America has generally been a welcoming home to religious minorities, providing a model of religious pluralism that deserves celebration. But at the margins there have been unfortunate exceptions, including in the land-use context. And where our elected leaders have failed to live up to the values of our Founding and Constitution, the government action that effectively discriminates against these minority religious practices is routinely done without overt decisionmaking that would trigger the administrative finality *Williamson County* requires. In fact, in a country where religious pluralism is the dominant model, covert discrimination is a bigger threat than overt bigotry. “Indeed, few States would be so naive as to enact a law directly prohibiting or burdening a religious practice as such.” *Emp. Div., Dep’t of Hum. Res. of Oregon v. Smith*, 494 U.S. 872, 894 (1990) (O’Connor J., concurring in the judgment).

A. Government Entities Use Purportedly Neutral Zoning Laws Inordinately Against Minority Religious Groups, Like Petitioner And *Amici*.

RLUIPA's important protections of religious land use are inordinately necessary to protect minority religious adherents. As the Department of Justice has shown from its own RLUIPA enforcement data, "its investigations since 2010 has reinforced the conclusion that minority groups have faced a disproportionate level of discrimination in zoning matters." U.S. Dep't of Justice, *Update on the Justice Department's Enforcement of the Religious Land Use and Institutionalized Persons Act: 2010–2016*, 4 (July 2016).² Despite Muslims, Jews, Buddhists, and Hindus comprising only 4.2% of the U.S. population in 2015, they nevertheless represented over 55% of the DOJ's RLUIPA investigations between 2010 and 2016 under RLUIPA. *Id.* at 5–6. Indeed, "religious groups often encounter[] overt and subtle forms of discrimination when seeking zoning approval for places of worship—most often impacting minority faiths and newer, smaller, or unfamiliar denominations." U.S. Dep't of Justice, *Report on the*

² Available at <https://www.justice.gov/crt/file/877931/dl>.

Twentieth Anniversary of the Religious Land Use and Institutionalized Persons Act 4 (Sept. 22, 2020).³

The harms against practitioners of minority religions are often coupled with other forms of bigotry, and likely underreported. As the DOJ has explained in analyzing data on RLUIPA enforcement actions, this outsized mistreatment of minority faiths is sometimes “coupled with racial and ethnic discrimination,” all of which falls on top of the fact that religious institutions, in general, “were often treated worse in zoning decisions than comparable secular institutions,” creating a snowball effect on these minority religions. *Id.* (quoting H.R. Rep. No. 106-219, at 24 (1999)). And even these numbers likely fail to show the whole picture. Some analyses of RLUIPA’s efficacy have concluded that this important statutory regime “has, if anything, been under enforced,” Douglas Laycock & Luke W. Goodrich, *RLUIPA: Necessary, Modest and Under-Enforced*, 39 *Fordham Urb. L.J.* 1021, 1048 (2012), meaning it is likely that there are untold cases of religious zoning discrimination against minority religions that are simply never brought to court.

³ Available at https://www.justice.gov/d9/press-releases/attachments/2020/09/22/report_on_the_twentieth_anniversary_of_rluiipa_-_september_22_2020_0.pdf.

**B. Such Discrimination Routinely Occurs
Without An Obvious Final Decision By
Governmental Decisionmakers, Who
Simply Delay Their Determinations
Instead Of Issuing A Formal Denial.**

There is ample precedent supporting the conclusion that local government zoning officials have delayed zoning decisions and otherwise chilled First-Amendment- and RLUIPA-protected activity through their regulatory oversight actions, without ever outright denying a land use request.

Unfortunately, as shown in the facts of this very case, government officials can impose their unlawful religious-land-use discrimination without having to announce themselves in a clean, appealable denial vote that would provide the necessary finality *Williamson County* requires. Instead, governmental entities regularly burden religious minorities through delay-as-denial tactics such as repeated continuances, agenda pulls, “incomplete” loops, escalating review costs, midstream rule changes, and last-step obstruction that prevents worship or religious service while preserving a litigation posture that no final decision exists. The danger of rigid finality rules in this context is obvious. If a local government can stall and then argue that the stalled matter is unripe, discrimination can become practically unreviewable.

Courts have recognized this concern in closely analogous settings. For example, in *Sherman v. Town*

of *Chester*, 752 F.3d 554 (2d Cir. 2014), the Second Circuit confronted a decade-long campaign of land-use obstruction, and held it would be “perverse” to let the government use “extreme delay” to escape accountability, explaining that “a final decision is not necessary” where the obstruction itself is the challenged governmental action. *Id.* at 563–69.

And in the RLUIPA context, courts likewise have refused to treat continued and delayed government processing as a talisman against review when the claim is that the process is being used pretextually to frustrate religious exercise. Unfortunately, as the following cases demonstrate, these situations have often involved the targeting of religious minorities. RLUIPA protected the religious minorities from discrimination in these cases, but it would no longer do so if this Court were to adopt the ripeness framework from the Sixth Circuit. For example, the Court in *Garden State Islamic Center v. City of Vineland*, 358 F. Supp. 3d 377 (D.N.J. 2018), held that where “the issuance of a final decision [is] held in abeyance,” that is “the very essence of the claim” that the process was invoked to frustrate the congregation’s existence and substantially burdened the Islamic Center’s religious exercise. *Id.* at 385–87. And in *United States v. County of Culpeper, Virginia*, 245 F. Supp. 3d 758 (W.D. Va. 2017), although the town board refused to issue a final decision on the Islamic Center of Culpeper (“ICC”)’s permit application because that application was allegedly “insufficient,” as well as claiming the application’s

deficiencies rendered it necessary for the ICC “to resubmit an application (or explore some other method) rather than sue,” the district court found that the issue was ripe for adjudication because these delay tactics “were pretexts for religious discrimination.” *Id.* at 765.

Even beyond the caselaw, examples of delay-as-denial in these contexts abound. Following the successful litigation of a mosque expansion on Long Island—after seven years of litigation—a local news outlet researched the widespread difficulties Muslim communities faced in building mosques near their homes. In researching “national mosque disputes” from 2005–2025, the reporters uncovered more than 70 major disputes, 52 of which resulted in “municipal pushback through the usage of zoning laws” against these Muslim communities. Amen Galinato, ‘*We Never Gave Up Hope.*’ *Bethpage Muslims Settle Mosque Expansion Lawsuit*, WSHU (Dec. 17, 2025).⁴ As this article explained, “zoning laws have been increasingly employed to discriminate against religious groups, but especially toward Muslim Americans,” routinely through imposition of “administrative roadblocks in the approval process,” such as a “years-long regulatory review.” *Id.*

In another example, the West Valley Muslim Association of Los Gatos, California, was forced to seek

⁴ Available at <https://www.wshu.org/long-island-news/2025-12-17/bethpage-muslims-mosque-expansion-lawsuit>.

special permit changes just to hold pre-dawn, late-evening, and Ramadan prayers, with the City's administrative proceedings placing a significant burden on the local Muslim community, particularly because the hearing itself happened only after Ramadan had already ended. Drew Penner, *Jewish Residents Rally with Muslim Community for Los Gatos Mosque Permit Modification*, Los Gatan (Apr. 1, 2026).⁵ Despite the fact that the WVMA received cross-denominational support from local Jewish leaders, the Los Gatos Planning Commission voted to end the meeting and continue public comment on another date, further delaying the ability of the WVMA to hold its crucial religious services. *Id.*

A local New Jersey planning board also recently delayed its decision to approve a site plan for a synagogue and Rabbi's residence for months. In Holmdel, New Jersey, the Chabad Jewish Center of BCC, Inc., sought a site plan approval to develop a single-story religious center with numerous amenities for the local Jewish community, including "a 300-seat sanctuary, a multipurpose room for celebrations and holiday events, a youth lounge, a Hebrew school, a library and space for community outreach programs." Sunayana Prabhu, *Holmdel Synagogue Wins Planning Approval Amid Community Concerns*, The Two River

⁵ Available at <https://losgatan.com/jewish-residents-rally-with-muslim-community-for-los-gatos-mosque-permit/>.

Times (Sept. 26, 2025).⁶ Although the Chabad Jewish Center first appeared for a hearing before the planning board in December 2024, the board permitted supposed concerns by residents to create “months of debate and pushback” requiring numerous meetings, delaying any decision by the board until September of 2025. *Id.* Here, too, local government officials were able to significantly delay the applicants’ exercise of their religious liberty, without any formal administrative denial.

And other *Amici* are similarly at risk for these types of government discrimination. For example, ISKCON has a demonstrated history of facing religious discrimination, defending its rights all the way up to this Court. *See Lee v. Int’l Soc’y for Krishna Consciousness, Inc.*, 505 U.S. 830 (1992) (per curiam). And given that Bhakti-Vriksha, Nama Hatta, and various other forms of “small-group gatherings for spiritual association, study and practice” are core aspects of ISKCON’s religious practices, *see* ISKCON, *A Global Family*,⁷ and other forms of Hinduism also emphasize home worship, both ISKCON members and Hindu practitioners more generally also have a significant risk of facing the same treatment by bureaucrats that Petitioner challenged in this case.

⁶ Available at <https://tworivertimes.com/holmdel-synagogue-wins-planning-approval-amid-community-concerns/>.

⁷ Available at <https://iskcon.org/communities/>.

No less so for NYYM and its members. Although “Quakers can, and sometimes do, meet for worship just about anywhere,” they are most “likely to come together for worship at a meetinghouse.” Quaker.org, *How Do Quakers Worship?*.⁸ These Quaker meeting houses are typically unadorned and simple, resembling residential homes or their surrounding buildings. And Quakers have already turned to the courts to combat instances of government overreach and intrusion into their meeting house worship sessions, see Laura Strickler & Carol E. Lee, *Quaker Groups File Suit Over the End of Policy Restricting ICE Arrests in Houses of Worship*, NBC News.com (Jan. 27, 2025);⁹ *Phila. Yearly Meeting of Religious Soc’y of Friends v. U.S. Dep’t of Homeland Sec.*, No. 25-1512, 2026 WL 2409055, at *1 (4th Cir. Aug. 18, 2026) (affirming district court’s issuance of preliminary injunction), continuing Quakers’ longstanding tradition of standing up to government interference with their religious practices, see Historical Soc’y of the N.Y. Courts, *The Flushing Remonstrance, 1657*.¹⁰ Thus, Quakers remain at risk of similar forms of

⁸ Available at <https://quaker.org/how-do-quakers-worship/>.

⁹ Available at <https://www.nbcnews.com/politics/national-security/quaker-groups-file-suit-end-policy-restricting-ice-arrests-houses-worsh-rcna189471>.

¹⁰ Available at https://history.nycourts.gov/about_period/flushing-remonstrance/.

zoning discrimination, at the whims of local bureaucrats.

While these examples of the sorts of administrative delays and run-arounds that impose substantial hardships on religious exercise are legion, RLUIPA and the Constitution do not require courts to delay protecting religious exercise due to a form-over-function analysis which ignores the very real burdens imposed by bad-faith delay. Absent the protection of RLUIPA, religious minorities have no guarantee that such delays will ever come to an end. They may give up and decide to move to a different community rather than engaging in a Sisyphean process that seems aimed at excluding them. Where delay or other forms of administrative incompleteness are the mechanism of exclusion, those very contentions can be the actionable restraint under RLUIPA. *See infra* Part II.

II. Petitioner’s Claim Is Ripe Because RLUIPA Does Not Require Specialized Exhaustion Procedures This Court Has Applied In Takings-Clause Cases.

A.1. “Ripeness is a justiciability doctrine designed ‘to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies.’” *Nat’l Park Hospitality Ass’n v. Dep’t of Interior*, 538 U.S. 803, 807 (2003) (quoting *Abbott Labs. v. Gardner*, 387 U.S. 136, 148 (1967), *abrogated on other grounds by Califano v. Sanders*, 430 U.S. 99

(1977)). When considered in the context of government decisionmaking, ripeness aims “to protect the agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties.” *Abbott Labs.*, 387 U.S. at 148–49. In mine-run cases, ripeness is determined by the resolution of two generally straightforward inquiries: (1) whether the dispute presents a claim that is fit to be “resolved through the judicial process” and (2) whether the court’s withholding of an adjudication of the issues would create a hardship or “concrete harm” to the parties. *Trump v. New York*, 592 U.S. 125, 131, 133–34 (2020).

So long as a plaintiff has suffered an actual injury or harm, “Congress has the power to define injuries and articulate chains of causation that will give rise to a case or controversy where none existed before.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 341 (2016) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 580 (1992) (Kennedy, J., concurring)). And, as this Court has well-noted, “[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020) (per curiam) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality op.)).

Alternatively, this Court has adopted and applied several more strenuous tests for ripeness in certain types of cases. As relevant here, when reviewing a

claim of regulatory taking of property under the Fifth Amendment, the Court has held that claims “regarding the application of [a] zoning ordinance . . . to [a plaintiff’s] property” are “not ripe” until the plaintiff “obtain[s] a final decision” from the regulatory entity.” *Williamson Cty.*, 473 U.S. at 186, *overruled in part on other grounds by Knick v. Twp. of Scott, Pa.*, 588 U.S. 180, 189 (2019). In such cases, ripeness occurs only once the government entity “charged with implementing the regulations,” has “reached a final decision regarding the application of the regulations to the property at issue.” *Id.* at 186–87. This is because a Fifth Amendment takings claim requires proof “that the Government has both taken property *and* denied just compensation.” *Horne v. Dep’t of Agric.*, 569 U.S. 513, 525–26 (2013). As this Court has explained, requiring such finality “is compelled by the very nature of the inquiry required by the Just Compensation Clause,” because the unique factors significant to that inquiry “cannot be evaluated until the administrative agency has arrived at a final, definitive position regarding how it will apply the regulations at issue to the particular land in question.” *Williamson Cty.*, 473 U.S. at 190–91. And even when the *Williamson County* finality requirement applies, the “rationales for the finality requirement underscore that nothing more than *de facto* finality is necessary,” a “relatively modest” showing that merely “ensures that a plaintiff has actually ‘been injured by the Government’s action’ and is not prematurely suing over a hypothetical harm.” *Pakdel v. City & Cnty. of San Francisco*,

California, 594 U.S. 474, 478–79 (2021) (per curiam) (quoting *Horne*, 569 U.S. at 525).

2. Under RLUIPA, government entities are prohibited from “impos[ing] or implement[ing] a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—**(A)** is in furtherance of a compelling governmental interest; and **(B)** is the least restrictive means of furthering that compelling governmental interest.” 42 U.S.C. § 2000cc(a)(1) (formatting altered). RLUIPA defines “religious exercise” as “any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” 42 U.S.C. § 2000cc-5(7)(A).

Congress has made clear its intent to open the courthouse doors for these sorts of claims. Congress explicitly intended RLUIPA to “be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution.” 42 U.S.C. § 2000cc-3(g); *see also Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 714 (2014). And RLUIPA further advised how courts should consider justiciability arguments regarding any claims or defenses raised under RLUIPA—“[s]tanding to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution,” while also explaining that RLUIPA

claims adjudicated in non-federal forums “shall not be entitled to full faith and credit in a Federal court unless the claimant had a full and fair adjudication of that claim in the non-Federal forum.” 42 U.S.C. § 2000cc-2(a), (c). Thus, at every available turn, Congress spelled out its intent to make RLUIPA claims available to those whose religious exercise was substantially burdened by a government decision relating to land use.

B. As Petitioner well explains, Opening Br.38–*Williamson County*’s ripeness/finality requirement does not apply to claims brought under RLUIPA.

Religious land-use claims do not uniformly demand final administrative decisions before a judicial remedy may be sought. Instead, Congress chose a different path—an RLUIPA plaintiff must show “a substantial burden on the religious exercise of a person,” that is not saved by the government’s showing of a “compelling governmental interest” that “is the least restrictive means of furthering that compelling governmental interest.” 42 U.S.C. § 2000cc(a)(1). Congress’ specific choice to require only a substantial burden on religious exercise is simply not compatible with *Williamson County*’s significant administrative finality requirements. *Bartenwerfer v. Buckley*, 598 U.S. 69, 80 (2023) (“This Court generally assumes that, when Congress enacts statutes, it is aware of this Court’s relevant precedents.” (citation omitted)). Coupled with the fact that *Williamson County* only required administrative

finality because of “the very nature of the inquiry required by the Just Compensation Clause,” 473 U.S. at 190–91, the finality requirement is simply a bad fit for RLUIPA’s protective regime.

By adding this atextual judicial gloss on RLUIPA, the lower courts have imposed unnecessary and legally unsupported hurdles to the vindication of Free Exercise rights that Congress intended when it enacted this statutory regime. For these reasons, the Court should reverse the Sixth Circuit’s ripeness decision.

CONCLUSION

The Court should reverse the judgment of the Court of Appeals.

Respectfully submitted,

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