

21-5592 RAMIREZ V. COLLIER

DECISION BELOW: 2021 WL 4047106

LOWER COURT CASE NUMBER: 21-70004

QUESTION PRESENTED:

1. Under the Free Exercise Clause and Religious Land Use and Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. §§ 2000cc-2000cc-5 (2000), does the State’s decision to allow Ramirez’s pastor to enter the execution chamber, but forbidding the pastor from laying his hands on his parishioner as he dies, substantially burden the exercise of his religion, so as to require the State to justify the deprivation as the least restrictive means of advancing a compelling governmental interest?

2. Under the Free Exercise Clause and Religious Land Use and Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. §§ 2000cc-2000cc-5 (2000), does the State’s decision to allow Ramirez’s pastor to enter the execution chamber, but forbidding the pastor from singing prayers, saying prayers or scripture, or whispering prayers or scripture, substantially burden the exercise of his religion, so as to require the State to justify the deprivation as the least restrictive means of advancing a compelling governmental interest?

ORDER OF 9/10/2021:

THE PARTIES ARE DIRECTED TO SUBMIT BRIEFS THAT ADDRESS WHETHER PETITIONER ADEQUATELY EXHAUSTED HIS AUDIBLE PRAYER CLAIM UNDER THE PRISON LITIGATION REFORM ACT, 42 U.S.C. § 1997e(a). THE PARTIES ARE ALSO DIRECTED TO ADDRESS WHETHER PETITIONER HAS SATISFIED HIS BURDEN UNDER THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000 (RLUIPA) TO DEMONSTRATE THAT A SINCERELY HELD RELIGIOUS BELIEF HAS BEEN SUBSTANTIALLY BURDENED BY RESTRICTIONS ON EITHER AUDIBLE PRAYER OR PHYSICAL CONTACT. THE PARTIES ARE FURTHER DIRECTED TO ADDRESS WHETHER THE GOVERNMENT HAS SATISFIED ITS BURDEN UNDER RLUIPA TO DEMONSTRATE ITS POLICY IS THE LEAST RESTRICTIVE MEANS OF ADVANCING A COMPELLING GOVERNMENT INTEREST. FINALLY, THE PARTIES ARE DIRECTED TO ADDRESS THE TYPE OF EQUITABLE RELIEF PETITIONER IS SEEKING, THE APPROPRIATE STANDARD FOR THIS RELIEF, AND WHETHER THAT STANDARD HAS BEEN MET HERE. SEE *HILL V. MCDONOUGH*, 547 U. S. 573, 584 (2006) (SETTING FORTH A FOUR-FACTOR TEST FOR EQUITABLE RELIEF). THE PARTIES MAY ADDRESS OTHER RELEVANT ISSUES, AVOIDING REPETITION OF DISCUSSION IN PRIOR BRIEFING.

CERT. GRANTED 9/8/2021