



NYU | LAW

# MOOT COURT BOARD

The Citadel Prison,  
Petitioner,

-against-

Rick Sanchez,  
Respondent.

Record

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### **QUESTION PRESENTED**

Whether an inmate claiming that a prison policy violated his First Amendment right to freely exercise his religion must show that the policy imposed a substantial burden on his religious practice.

UNITED STATES DISTRICT COURT FOR THE  
STATE OF ALTARIA

Rick Sanchez,	:	Docket No. 22-CV-4815162
	:	
Plaintiff,	:	
	:	
-against-	:	OPINION AND ORDER ON
	:	MOTION FOR SUMMARY
	:	JUDGMENT
The Citadel Prison,	:	
	:	
Defendant.	:	
	:	

YUSIM, J.:

**INTRODUCTION**

The question presented before this Court requires it to consider the delicate balance between prisoners’ First Amendment rights and legitimate penological interests. For claims arising under the Free Exercise Clause of the First Amendment and the Religious Land Use and Institutionalized Persons Act, must an inmate demonstrate that the prison policy at issue placed a substantial burden on their religious exercise? The Court considers this question on two cross-motions for summary judgment.

**BACKGROUND**

The Citadel Prison (“The Citadel”) is the largest corrections facility in the state of Altaria. The majority of individuals incarcerated at The Citadel are white-collar criminals with over ten-year sentences. The Citadel is considered one of the country’s toughest prisons; known for rigorous programming and strict corrections officers, it has maintained the lowest recidivism rate among prisons in the U.S. for the past five years.

Rick Sanchez is incarcerated at The Citadel and has served three years of a fifteen-year sentence. At the start of his sentence, he was a model prisoner. He kept a tidy cell, abided by all of the prison policies, and even led group Bible studies. During this time, the corrections officer responsible for patrolling his cell, Morty Smith, praised him for being an “excellent example to the other inmates.” Officer Smith is a decorated corrections officer who had been working at The Citadel for two decades and was recognized by The Citadel in 2024 as “Employee of the Year.” Notwithstanding his accolades, Officer Smith has cultivated a reputation for strictly enforcing orderliness and encouraging adherence to fundamentalist Christian values. Notably, in 2015, Officer Smith was written up for aggressively handling an inmate, and just four years later he was admonished for confiscating a Muslim inmate’s

Quran. While confiscating the Quran, Officer Smith told the incarcerated individual, “Your time would be better spent reading the Bible.”

About two years into Mr. Sanchez’s sentence, his behavior began to change, and he renounced Christianity. Mr. Sanchez converted to Solsticism, a Pagan religion that purports to achieve Holy Enlightenment by harnessing the power of the Solstices.

After his conversion, Mr. Sanchez began to run into issues with the prison administration. Most of Mr. Sanchez’s disciplinary infractions (gambling and failing to stand for count) were written up by Officer Smith. On one occasion in particular, Officer Smith confiscated Mr. Sanchez’s book, “A Guide to Solsticism,” on the grounds that it promoted violence and therefore violated prison policies. Officer Smith’s chief concern was a chapter explaining how various martial arts positions could be used to harness the power of the sun.

Officer Smith also took issue with Mr. Sanchez’s post-conversion demands that violated the prison’s policies. For instance, on September 22, 2025, Mr. Sanchez requested that he be let out into the yard for thirty minutes at 8:44 A.M. to perform a dance for the equinox. The Citadel’s policy is well-defined and only permits inmates to congregate in the yard for twenty minutes each day at 3:00 P.M. Owing to this policy, Officer Smith claimed that this was an unreasonable request and one that would be denied regardless of religious implications. Mr. Sanchez also requested the return of his book, “A Guide to Solsticism,” so he could recite hymns during the equinox. The Citadel denied Mr. Sanchez access to his book. Mr. Sanchez also requested a vegetarian meal and meditation space on the day of the autumnal equinox, September 22, 2025. The Citadel granted these requests.

Mr. Sanchez submitted a formal complaint to prison administrators, alleging that his right to free exercise of religion was curtailed due to the confiscation of his book and the rejection of his request to spend extra time in the yard in the morning. The prison administrators dismissed his complaint, arguing that they provided reasonable accommodations in the form of vegetarian meals and a quiet place to pray on the day of the equinox.

Rick Sanchez then filed suit against The Citadel in this Court. He claims that The Citadel violated his rights under the Free Exercise Clause of the Constitution and The Religious Land Use and Institutionalized Persons Act (“RLUIPA”). The parties have completed the minimal discovery in the case. Now, they have both moved for summary judgment.

## DISCUSSION

### **I. Plaintiff Has Not Demonstrated, as He Must Under RLUIPA, That the Citadel's Actions Placed a Substantial Burden on His Religious Exercise.**

In order for Plaintiff to survive a motion for summary judgment, he must plead facts that, when viewed in the light most favorable to him, are sufficient to demonstrate that The Citadel's actions substantially burdened his religious beliefs. *Tenison v. Byrd*, 826 F. App'x 682, 687 (10th Cir. 2020).

#### **A. The Statutory Language of RLUIPA Mandates a Substantial Burden Test.**

In 2000, Congress passed RLUIPA in part to protect the religious rights of incarcerated individuals. *See Redeemed Christian Church of God Bowie v. Prince George's Cty.*, 17 F.4th 497, 508 (4th Cir. 2021) (stating that "the purpose of RLUIPA, which is readily discernable from the plain language of the statute, is to prevent governments, including state and local governments, from burdening religious exercise"). On numerous occasions, the Supreme Court has held that RLUIPA protects "person[s] residing in or confined to an institution" from the imposition of "substantial burdens" on religious exercise by state or local governments. *Cutter v. Wilkinson*, 544 U.S. 709, 715 (2005). *See also, e.g., Holt v. Hobbs*, 574 U.S. 352, 362 (2015) (holding that the plaintiff met the threshold burden under RLUIPA to show that a state prison's anti-beard policy substantially burdened exercise of his religious belief that he must have a beard).

If a plaintiff can demonstrate a substantial burden on their religious exercise, the burden then shifts to the government to demonstrate that the imposition of the burden furthers a compelling government interest and that the policy at issue is the least restrictive means available of furthering that interest. *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 695 (2014).

#### **B. Plaintiff Has Failed to Demonstrate a Substantial Burden.**

Plaintiff argues that he experienced a substantial burden when The Citadel refused to return to him his copy of "A Guide to Solsticism" and refused to allow him an additional outing into the yard on the morning of the autumnal equinox. However, neither qualifies as a substantial burden.

To be substantial, a burden must force "adherents of a religion to refrain from religiously motivated conduct or expression that manifests a central tenet of a person's religious beliefs, or compels conduct or expression that is contrary to those beliefs." *McNair-Bey v. Bledsoe*, No. 97-1701, 1998 U.S. App. LEXIS 31162, at \*7 (7th Cir. Dec. 9, 1998) (citing *Mack v. O'Leary*, 80 F.3d 1175, 1179 (7th Cir. 1996)). In

other words, it “must be more than an inconvenience.” *Graham v. Comm’r*, 822 F.2d 844, 850–51 (9th Cir.1987), *aff’d sub nom. Hernandez v. Comm’r*, 490 U.S. 680 (1989).

At most, The Citadel’s actions inconvenienced Mr. Sanchez. *See Demarco v. Bynum*, 50 F.4th 479, 483 (5th Cir. 2022) (finding that the confiscation of a prisoner’s religious texts was not a violation of his First Amendment rights); *see also Heid v. Mohr*, No. 19-3259, 2020 U.S. App. LEXIS 9995, at \*16 (6th Cir. Mar. 30, 2020) (rejecting the plaintiffs’ request for injunctive relief under RLUIPA because they failed to demonstrate that the confiscation of their Christian Separatist texts imposed a substantial burden on their religious exercise); *Pendleton v. Ames*, No. 2:21-cv-00249, 2023 U.S. Dist. LEXIS 44470, at \*25 (S.D. W. Va. Mar. 16, 2023) (holding that confiscating an inmate’s Bible did not place a substantial burden upon their religious rights under RLUIPA).

This Court similarly fails to see how denying Mr. Sanchez extra time in the prison yard constitutes a substantial burden on his religious practices. *Stokes v. Homeyer* serves as the closest precedential parallel to the facts of this case, in which the motion for summary judgment was granted for the defendant, the South Carolina Department of Corrections. No. 5:19-03428-DCN-KDW, 2021 U.S. Dist. LEXIS 265589, at \*8 (D.S.C. Jan. 25, 2021). In *Stokes*, the court found that the plaintiff had not established that he suffered a substantial burden when he was denied attendance to religious services for over two months because the defendant was too understaffed to escort him. *Id.* The plaintiff’s RLUIPA claim failed because the defendant put forth evidence demonstrating that other methods of religious exercise—such as practicing freely within his cell—were available to the plaintiff, even though he was not able to attend group services. *Id.*

Furthermore, Solsticism is not as widely known, practiced, or regarded as major religions like Christianity, Judaism, or Islam. With major religions, the ubiquity of information about their beliefs means that this Court can more accurately assess the extent to which a certain practice constitutes “a central tenet” of one’s beliefs. Because that is not the case with Solsticism, the onus falls on Mr. Sanchez to provide evidence demonstrating that using his religious text and being allowed extra time in the prison yard on the equinox are central to his religion. *See Marria v. Broaddus*, No. 97 Civ. 8297 (NRB), 2003 U.S. Dist. LEXIS 13329, at \*41–43 (S.D.N.Y. July 31, 2003)) (granting the plaintiff’s Free Exercise claim, in part because he provided expert testimony that suggested that the religious practice at issue was central to him and that his religion was no less significant than Christianity, Judaism, and Islam). Mr. Sanchez has made no such showing.

In any case, restrictions that merely make religious exercise more difficult, yet do not prevent inmates from practicing their faith, do not constitute a substantial burden. *See Gladson v. Iowa Dep’t of Corr.*, 551 F.3d 825, 834 (8th Cir. 2009) (finding

that limiting the quantity of food provided and the time allotted for inmates' celebration of a Wiccan holiday did not impose a substantial burden); *Corp. of the Presiding Bishop v City of W. Linn*, 86 P.3d 1140, 1157 (Or. Ct. App. 2004) (holding that a city's ordinances "did not impose a substantial burden on [a] church's religious exercise" because "neither the building of a new church . . . nor . . . the ability of current members to reasonably conveniently engage in worship" was rendered "effectively impracticable"). The Citadel did not prevent Mr. Sanchez from practicing Solsticism; in fact, by providing Mr. Sanchez with vegetarian meals and a private place to pray, the prison accommodated Mr. Sanchez's other religious requests. *Cf. Wright v. Lassiter*, 921 F.3d 413, 415 (4th Cir. 2019) (finding that the plaintiff was not substantially burdened when requests for feasts on Rastafarian Holy Days were denied because the prison accommodated weekly Rastafarian services). No reasonable juror could find that Mr. Sanchez was being prevented from practicing his faith.

Plaintiff argues that, per Sixth Circuit precedent, The Citadel did not use the least restrictive means for accomplishing their penological objectives and, therefore, The Citadel's motion for summary judgment should not be granted. *See Fox v. Washington*, 71 F.4th 533, 535 (6th Cir. 2023) (ruling in favor of the plaintiff where the prison did not provide evidence to demonstrate that its refusal to recognize Christian Identity as a religion was the least restrictive means of furthering its safety interests). However, Plaintiff has a threshold requirement for demonstrating that he suffered a substantial burden. *See Singson v. Norris*, 553 F.3d 660, 662 (8th Cir. 2009) (finding that the plaintiff failed to meet this threshold requirement for his claim that a prison policy disallowing Tarot cards within prison cells violated his right to exercise the Wiccan faith). Without evidence of this burden, as in the case before us today, the Court need not assess whether less restrictive means exist.

## **II. Plaintiff's Free Exercise Claim is Similarly Flawed Because He Fails to Show a Substantial Burden.**

A plaintiff who is unable to demonstrate that the state imposed a substantial burden upon his religious beliefs cannot succeed under a Free Exercise claim.

### **A. Like with RLUIPA Claims, to Recover Under the First Amendment Free Exercise Clause, Plaintiff Must Show a Substantial Burden.**

A plaintiff alleging a violation of his rights under the Free Exercise Clause of the First Amendment must demonstrate that his religious beliefs were substantially burdened, as is the case for claims arising under RLUIPA. *See Sherbert v. Verner*, 374 U.S. 398, 403–07 (1963) (holding that the plaintiff succeeded in her Free Exercise claims against her employer because she was able to demonstrate a substantial infringement of her rights); *Turner v. Safely*, 482 U.S. 78, 89–92 (1987) (upholding the constitutionality of a prison policy that limited correspondence between prisoners

because the plaintiff failed to demonstrate a substantial burden). Indeed, recovery under the Free Exercise Clause is linked to the RLUIPA standard. *See, e.g., Nicholson v. Ferreira*, No. 3:20-cv-1214 (KAD), 2021 U.S. Dist. LEXIS 18381, at \*15 n.3 (D. Conn. Feb. 1, 2021) (noting that district courts apply the RLUIPA substantial burden test “when addressing free exercise claims”).

Furthermore, interpreting the Free Exercise Clause as requiring a showing of a substantial burden from inmates tracks various policy concerns. The substantial burden standard is necessary to prevent plaintiffs from asserting claims that are largely “self-serving” and not rooted in fact. *Levitan v. Ashcroft*, 281 F.3d 1313, 1321 (D.C. Cir. 2002).

Plaintiff suggests that the Court replace the substantial burden test with a simple inquiry into the sincerity of a plaintiff’s belief. But it is not within a court’s purview to assess whether one’s religious beliefs are sincere or insincere. *See Thomas v. Rev. Bd. Of Ind. Emp. Sec. Div.*, 450 U.S. 707, 715 (1981) (holding that it is not the task of the courts to “dissect religious beliefs”).

Thus, for the reasons enumerated above, Plaintiff’s showing is insufficient to survive a motion for summary judgment.

**B. Even if Plaintiff’s Preferred Standard Applied, Plaintiff Would Still Fail to Meet the Standard.**

Assuming, *arguendo*, that the Court adopted the standard Plaintiff proposes, Plaintiff would still lose at the summary judgment stage. Plaintiff argues that instead of applying a substantial burden test, this Court should examine the sincerity of his beliefs, pursuant to the Sixth Circuit’s test in *Ackerman v. Washington*, 16 F.4th 170, 181 (6th Cir. 2021). This test assesses the inmate’s knowledge of the belief system, the length of their adherence to the belief system, the existence of religious literature linked to the belief system, and the consistency of an inmate’s actions as they relate to their religion. *Id.*; *see also Sughrim v. New York*, 690 F. Supp. 3d 355, 373 (S.D.N.Y. 2023) (inquiring into the sincerity of the plaintiffs’ religious beliefs, which involved, “for example, a determination as to whether they acted in a manner inconsistent with their beliefs . . . or an evaluation of the consistency of an individual’s past statements about their beliefs”) (internal quotations and citations omitted).

Even if the *Ackerman* test is applied, most of its factors weigh against Plaintiff. Although it is unclear how consistent Plaintiff’s practices are with the tenets of Solsticism, he has only been an adherent for less than one year. While Plaintiff claims that “A Guide to Solsticism” is an authentic, religious text, the Court has no way of verifying this information. In fact, this case is the first instance in which this Court has heard of the religion of “Solsticism.” Thus, even under the sincerity inquiry that Plaintiff would have us adopt, Plaintiff loses at the summary judgment stage.



Plaintiff alternatively argues that this Court should adopt the standard set out in *Kravitz v. Purcell*, 87 F.4th 111, 130 (2nd Cir. 2023). There, the Second Circuit held that a plaintiff need only demonstrate that they suffered a burden—rather than a substantial burden—on their religious exercise to succeed on their RLUIPA claim. *Id.* That test is incongruous with the plain text of the Act. *See* 42 U.S.C. § 2000cc-1(a) (“No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution.”).

### **CONCLUSION**

To survive a motion for summary judgment, Plaintiff must have demonstrated—for both his RLUIPA and Free Exercise claims—that Defendant imposed a substantial burden on the exercise of his religious beliefs. Because Plaintiff failed to do so, Defendant’s motion for summary judgment is **GRANTED** and Plaintiff’s motion for summary judgment is **DENIED**.

IT IS SO ORDERED.

/s/ *Elina Yusim*  
Hon. Elina Yusim  
United States District Judge

Dated: December 18, 2025  
Celadon City, Altaria

In the  
**United States Court of Appeals**  
**For the Fourteenth Circuit**

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MARCH TERM 2025  
No. 22-CV-4815162

**RICK SANCHEZ,**

*Appellant,*

v.

**THE CITADEL PRISON,**

*Appellee.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALTARIA

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ARGUED: MARCH 28, 2025  
DECIDED: MAY 12, 2025

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Before: SCHEPARD, LIBERMAN, AND ADELIZZI.

Schepard, *Circuit Judge*:

Before the Court are two cross-motions for summary judgment. We review these motions de novo.

**BACKGROUND**

Rick Sanchez, an adherent of a minority religion known as “Solsticism,” brought claims in district court when his requests for religious accommodations were denied by The Citadel Prison (“The Citadel”), where he is currently incarcerated. Specifically, Mr. Sanchez requested that prison officials return his copy of a religious text, “A Guide to Solsticism,” which they had previously confiscated. He also requested access to the prison yard at 8:44 A.M. for thirty minutes to celebrate the

autumnal equinox through religious dance. Though prison staff denied those requests, they granted Mr. Sanchez’s separate requests for a vegetarian meal and a quiet meditation space.

Mr. Sanchez brought claims under the Religious Land Use and Institutionalized Persons Act (“RLUIPA”) and under the Free Exercise Clause of the First Amendment. The district court granted summary judgment to The Citadel for both claims. We **AFFIRM** the district court’s denial of Mr. Sanchez’s RLUIPA claim and **REVERSE** the district court’s denial of his Free Exercise claim.

Because we affirm the lower court’s finding regarding the RLUIPA claim, we limit our discussion to the Free Exercise claim.

## **DISCUSSION**

### **I. The Substantial Burden Standard Does Not Apply to Claims Arising Out of the Free Exercise Clause.**

Based upon precedent, legislative intent, and public policy concerns, we hold that plaintiffs seeking relief under RLUIPA need not demonstrate that the state’s actions imposed a substantial burden on their religious beliefs.

#### **A. RLUIPA Was Never Intended to Supersede the Free Exercise Clause.**

The lower court correctly found that RLUIPA unambiguously requires a plaintiff to demonstrate that the defendant substantially burdened the exercise of their religious beliefs. However, the lower court erred in applying the language and framework provided by RLUIPA to Free Exercise claims.

The fact that RLUIPA and Free Exercise claims are often brought together does not imply that their standards are the same. *See Van Whye v. Reisch*, 581 F.3d 639, 652 (8th Cir. 2009) (noting that RLUIPA views the constitutional standard as “a floor, not a ceiling,” thereby “provid[ing] additional statutory protection for religious worship” in specific contexts). The Free Exercise Clause, in and of itself, does not clarify what an incarcerated plaintiff must demonstrate at the outset of their case to survive summary judgment. Although the lower court claimed that the substantial burden test as it applies in the prison context is supported by *Turner v. Safely*, 482 U.S. 78, 89–92 (1987), that case was superseded by RLUIPA, *Uhuru v. Benavidez*, No. 2:22-CV-0784-TLN-DMC, 2023 U.S. Dist. LEXIS 143882, at \*7–8 (E.D. Cal. Aug. 16, 2023). As a result, no clear pleading standard currently exists for inmate claims arising out of the Free Exercise Clause.

**B. Plaintiffs Need Only Demonstrate a Sufficient Interest in the Case or That They Experienced a Burden on Their Religious Rights.**

In the absence of such clarity, courts have been free to adopt their own interpretations. *See Tree of Life Christian Sch. v. City of Arlington*, 905 F.3d 357, 367–68 (6th Cir. 2018) (noting that it is a function of the courts to apply a sensible interpretation of a statute when the statute can plausibly be interpreted in multiple ways). This Court will require that plaintiffs only demonstrate a sufficient interest in the case or that they experienced a burden on their religious rights, a standard that conforms with policy interests explained below. Many circuits have adopted similar standards. *See, e.g., Tenaflly Eruv Ass’n v. Borough of Tenaflly*, 309 F.3d 144, 170 (3d Cir. 2002) (holding that plaintiffs need only show a “sufficient interest,” not a substantial burden, to have constitutional standing); *Hartmann v. Stone*, 68 F.3d 973, 979 n.4 (6th Cir. 1995) (rejecting the substantial burden requirement and requiring that the plaintiffs “demonstrate a sufficient interest in the case to meet the normal requirement of constitutional standing”); *Kravitz v. Purcell*, 87 F.4th 111, 125 (2d Cir. 2023) (holding that “an inmate does not need to establish a substantial burden in order to prevail on a free exercise claim under § 1983”).

The lower court applied the substantial burden test, reasoning that courts are not in the position to “dissect religious beliefs.” *Thomas v. Rev. Bd. Of Ind. Emp. Sec. Div.*, 450 U.S. 707, 715 (1981). We disagree with the application of this test. The substantial burden test necessarily requires courts to differentiate between substantial and insubstantial burdens. *See id.* This inquiry is far too subjective; the lower court’s reasoning demonstrates how the application of a substantial burden test may unfairly affect members of minority religions such as Solsticism. The court admits that its analysis is complicated by Solsticism’s lack of widespread practice and that therefore it is more difficult to assess whether a restriction constitutes a hindrance of a “central tenet” of the religion. *McNair-Bey v. Bledsoe*, No. 97-1701, 1998 U.S. App. LEXIS 31162, at \*7 (7th Cir. Dec. 9, 1998).

An application of the *Kravitz* standard, which instead requires inmates to demonstrate that they suffered *any* burden, even if not a substantial one, would avoid the inevitably fraught inquiry into dissecting a person’s religious beliefs. 87 F.4th at 130.

The lower court’s concern that applying any standard other than the substantial burden test would inundate courts with insincere or “self-serving” claims is unfounded. However, the standard we are proposing is not without limits. If a plaintiff is able to allege that they have suffered a burden or that they have a sufficient interest in the case, the defendant will nevertheless prevail if it can demonstrate that its actions arise out of a strong state interest and that it has examined and rejected less restrictive alternatives. *See, e.g., Vester v. Rogers*, 795 F.2d 1179, 1183 (4th Cir. 1986) (holding that a prison regulation that prohibited

correspondence between inmates was not unconstitutional because it was reasonably related to penological interests); *Saud v. Days*, 36 F.4th 949, 958 (9th Cir. 2022) (holding that a prison’s decision not to house Muslim inmates together did not violate the inmates’ rights under RLUIPA because there is a strong state interest in avoiding equal protection liability for classifying inmates based on their religion).

**C. A Reasonable Juror Could Find That Plaintiff Suffered a Burden on His Religious Rights.**

Under the *Kravitz* standard, the motion for summary judgement should not have been granted in Defendant’s favor. First, making a prisoner choose between yard time and religious services was a burden sufficient to pass the summary judgment phase. *See Reed v. Hardy*, No. 11 C 3777, 2012 U.S. Dist. LEXIS 179325, at \*11–12 (N.D. Ill. Dec. 19, 2012). In *Reed*, the court found that a policy that separated inmates on crutches from the general population during yard time was a violation of the plaintiff’s rights under RLUIPA. *Id.* The plaintiff in *Reed* was a practicing Christian who required crutches, and the yard time allocated to prisoners with crutches interfered with Church services. *Id.* The court determined that the plaintiff was substantially burdened by this policy and that the prison failed to demonstrate a compelling government reason for its policy. *Id.*

Further, Plaintiff has sufficiently demonstrated that “A Guide to Solsticism” is central to his religious practice because it contains hymns and readings necessary to observe the autumnal equinox. *See Shaw v. Norman*, No. 6:07-cv-443, 2009 U.S. Dist. LEXIS 52461, at \*8 (E.D. Tex. June 19, 2009) (finding that the confiscation of the inmate’s Quran was a violation of RLUIPA because—where there was a security concern regarding the tape on the book’s binding—the prison could have used less restrictive means to achieve its security purposes, including removing the tape or providing a new copy of the Quran). The confiscation of Plaintiff’s religious text therefore demonstrates that he experienced a sufficient burden. *McNair-Bey*, 1998 U.S. App. LEXIS 31162, at \*7.

In any event, The Citadel has not properly demonstrated the penological interest served by confiscating Mr. Sanchez’s text and refusing to return it, thus creating a presumption that its actions were motivated by arbitrary policies rather than facially neutral ones. *See Ashker v. Cal. Dep’t. of Corr.*, 224 F. Supp. 2d 1253, 1262 (N.D. Cal. 2002) (finding that the policy that books must be mailed to inmates directly from publishers was arbitrary and violative of the First Amendment because there was no demonstrated penological interest); *cf. Emp. Div. v. Smith*, 494 U.S. 872, 879 (1990) (holding that facially neutral penal policies are generally more permissive). Thus, given the nature of the action and the burden it imposed, the lower court erred in granting summary judgment to Defendant on the Free Exercise claim.

## **CONCLUSION**

For the forgoing reasons, the decision of the district court in this case regarding Plaintiff's RLUIPA claim is **AFFIRMED**, and the decision of the district court regarding Plaintiff's Free Exercise claim is **REVERSED**. The district court's order for summary judgment in favor of Defendant is **VACATED**. The case is **REMANDED** to the district court for further proceedings consistent with this opinion.

IT IS SO ORDERED.

## DEFENDANT EXHIBIT A

This exhibit is a copy of the portion of “A Guide to Solsticism” that The Citadel purports to be impermissibly violent.

It was entered over a hearsay objection. The district court overruled the objection, finding that this page was not being offered for the truth of the matter asserted, but rather being offered for the effect on the listener (in this case, the reader). The district court also agreed with Defendant’s contention that, even if this page were being offered for the truth of the matter asserted, it would fall under the Rule 803(16) Exception.



**(ORDER LIST: 595 U.S.)**

**CERTIORARI GRANTED**

22-6028     The Citadel Prison v. Rick Sanchez

The petition for a writ of certiorari is granted.  
The parties will address the following question:

Whether an inmate claiming that a prison policy violated his First Amendment right to freely exercise his religion must show that the policy imposed a substantial burden on his religious practice.