

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

ENAAM ARNAOUT and JOHN LINDH,)
on their own behalf and on behalf of a)
class of those similarly situated,)
)
Plaintiffs,)
)
v.)
)
WARDEN, FEDERAL CORRECTIONAL)
INSTITUTION, TERRE HAUTE,)
INDIANA,)
)
Defendant.)

No. 2:09-cv-215 JMS-WGH

Plaintiffs’ Motion for Summary Judgment

Come now plaintiffs, by their counsel, and say that:

1. This case concerns whether defendant’s denial of daily congregate prayer to the Muslim prisoners confined to the Communications Management Unit within the Federal Correctional Institution in Terre Haute violates the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb-1.
2. There are no contested issues of material fact in this cause and the law is with the plaintiffs and against the defendant.
3. The plaintiffs motion for class certification (Doc. No. 45) remains pending in this matter and is being briefed separately.
4. Summary judgment should be entered for plaintiffs, including the class once it is certified, and appropriate declaratory and injunctive relief should issue.
5. In support of this motion the plaintiffs rely on the following evidence as more specifically enumerated in the plaintiffs’ memorandum of law submitted in support of this motion:
 - a. The Affidavit of Associate Warden Church, attached as Exhibit 1 to Defendant’s

Objection to Plaintiffs' Motion to File Amended Complaint (Doc. No. 18-1).

- b. The Deposition of Associate Warden Church, and selected exhibits, attached to this Motion as Exhibit 1.
 - c. Plaintiff's First Request for Admissions and Defendant's Responses to Plaintiff's First Request for Admissions, attached to this Motion as Exhibit 2.
 - d. The Supplemental Declaration of John Lindh, attached to this Motion as Exhibit 3.
 - e. Supplemental Declaration of Enaam Arnaout, attached as Exhibit 2 to Plaintiffs' Memorandum in Support of Motion to Certify Case as Class Action (Doc. No. 46-2).
 - f. Declaration of Enaam Arnaout, attached as Exhibit 2 to Plaintiffs' Memorandum in Support of their Motion to file Amended Complaint (Doc. No. 23-2).
 - g. Declaration of John Phillip Walker Lindh, attached as Exhibit 1 to Plaintiffs' Memorandum in Support of their Motion to file Amended Complaint (Doc. No. 23-1).
 - h. Affidavit of Ahmed Bilal, attached as Exhibit 3 to Plaintiffs' Memorandum in Support of Motion to Certify Case as Class Action (Doc. No. 46-3).
 - i. Affidavit of Ali Asad Chandia, attached as Exhibit 4 to Plaintiffs' Memorandum in Support of Motion to Certify Case as Class Action (Doc. No. 46-4).
 - j. Affidavit of Avon Twitty, attached as Exhibit 5 to Plaintiffs' Memorandum in Support of Motion to Certify Case as Class Action (Doc. No. 46-5).
 - k. Affidavit of Brian Carr, attached as Exhibit 6 to Plaintiffs' Memorandum in Support of Motion to Certify Case as Class Action (Doc. No. 46-6).
 - l. Affidavit of Mokhtar Haouari, attached as Exhibit 7 to Plaintiffs' Memorandum in Support of Motion to Certify Case as Class Action (Doc. No. 46-7).
 - m. Affidavit of Rafil Dhafir, attached as Exhibit 8 to Plaintiffs' Memorandum in Support of Motion to Certify Case as Class Action (Doc. No. 46-8).
 - n. Declaration of Randall T. Royer, attached to this Motion as Exhibit 4.
6. In further support of this motion plaintiffs separately submit their memorandum of law which is incorporated by reference.

WHEREFORE, plaintiffs request that this Court grant them summary judgment in this

cause declaring that the denial of congregate daily prayer to prisoners in the Communications Management Unit violates the Religious Freedom Restoration Act, enjoining defendant to allow such prayer to occur during the times that the prisoners are out of their cells, awarding plaintiffs their costs and reasonable attorney's fees, and further that the Court grant all other proper relief.

/s/ Kenneth J. Falk

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Certificate of Service

I hereby certify that on this 26th day of August, 2010, a copy of the foregoing was filed electronically with the Clerk of this Court. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system and the parties may access this filing through the Court's system.

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/s/ Kenneth J. Falk

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