

No. 23-1197

In the Supreme Court of the United States

DAMON LANDOR,

Petitioner,

v.

LOUISIANA DEPARTMENT OF CORRECTIONS AND PUBLIC SAFETY; JAMES M. LEBLANC, *in his official capacity of secretary thereof, and individually*; RICHARD LABORDE CORRECTIONAL CENTER; MARCUS MYERS, *in his official capacity as Warden thereof, and individually*; JOHN DOES 1-10; ABC ENTITIES 1-10,

Respondent.

**On Petition for Writ of Certiorari to
The United States Court of Appeals
for the Fifth Circuit**

**BRIEF OF DR. DENNY AUTREY AS
AMICUS CURIAE SUPPORTING PETITIONER**

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INTEREST OF AMICUS CURIAE

Dr. Denny Autrey is an educational consultant to the Prison Seminars Foundation (PSF) and Dean Emeritus of Southwestern Baptist Theological Studies in Houston. Dr. Autrey was instrumental in working to implement the Darlington program, a partnership between the Texas Department of Criminal Justice and Southwestern Baptist Theological Seminary that seeks to provide religious education to inmates. Dr. Autrey works to share religious faith with inmates to help them achieve moral rehabilitation while incarcerated. Dr. Autrey believes that the decision below jeopardizes religious freedom in prisons and makes moral rehabilitation more difficult to achieve.¹

¹ No counsel for a party authored this brief in whole or in part, and no person other than amicus and his counsel made any monetary contribution intended to fund the preparation or submission of this brief. The parties were given timely notice under Rule 37(2).

INTRODUCTION AND SUMMARY OF ARGUMENT

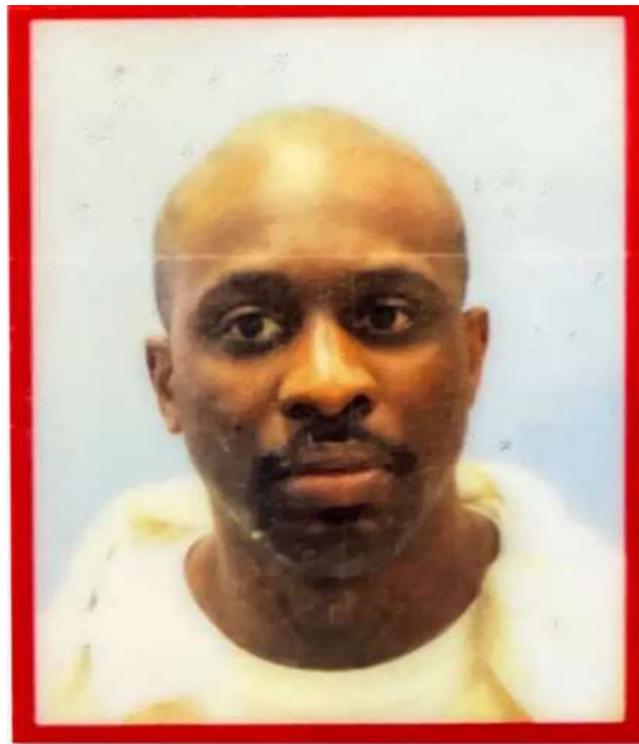
This case is critical to efforts to achieve moral rehabilitation in prison. No matter how strong or clear religious freedom rights may be on paper, they are worthless if correctional officers are not held accountable for flagrantly violating them. That is the issue here. And without effective religious freedom protections, incarcerated individuals are less likely to engage in faith-based efforts at moral rehabilitation. That is just one of the consequences.

It is undisputed that correctional officers violated Petitioner Damon Landor's rights, but images help show how flagrant the violation was. Landor is a devout follower of the Rastafarian faith who grew long locks of hair over a span of decades:²



² Maggie Phillips, *Religious Liberty Behind Bars*, TABLET (Mar. 02, 2023), <https://www.tabletmag.com/sections/community/articles/rastafarian-religious-liberty-cases> (depicting Landor, prior to having his head shaven).

The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, *et seq.*, protected this important tenet of Landor's faith. Unfortunately, Louisiana prison officials—despite *knowing* they were violating Landor's religious rights—shackled Landor down and forcibly shaved him bald:³



The takeaway for prison officials from the decision below is clear: no matter what the law says, they need not worry about even *knowingly* violating inmates' religious freedom rights because they cannot be held liable. If only injunctive relief is available—and not damages—the age-

³ *Id.* (depicting Landor after having his head forcibly shaven).

old mantra is true: it's better to ask forgiveness than permission. Such an approach devastates faith-based efforts to rehabilitate prisoners.

This Court's view is urgently needed to correct the Fifth Circuit's erroneous interpretation of RLUIPA that does not provide for individual-capacity damages. The effects of this decision cannot be overstated—if the Fifth Circuit's decision stands, it will hinder and chill prisoners' right to practice their religious faith. This will be a serious blow to efforts such as those of the amicus who seek to help those prisoners turn their life around through religious exercise and conversion.

ARGUMENT

I. FAITH-BASED PROGRAMS ARE ESSENTIAL TO ADVANCING MORAL REHABILITATION WITHIN THE PRISON SYSTEM

The hope of rehabilitation is not the only purpose but is a key pillar of the modern American penal system. *See, e.g., Tapia v. United States*, 564 U.S. 319, 319 (2011) (listing “retribution, deterrence, incapacitation, and rehabilitation” as proper considerations at sentencing).

As a fundamental principle, people can change and turn their lives around. In 1940, Clinton Duffy took over as warden of San Quentin prison. “Duffy transformed the state’s oldest prison—a row of dungeons by San Francisco Bay where often-naked inmates were thrown rotten food from buckets after being beaten—into a genuine correctional institution. . . . Three years later, Earl Warren took office as governor and spread reforms to other state prisons. They eventually became the national model for

prison-based rehabilitation.”⁴ The story is told that a critic who knew of Warden Duffy’s efforts to rehabilitate men said, “Don’t you know that leopards can’t change their spots?”

Warden Duffy responded, “You should know I don’t work with leopards. I work with men, and men change every day.”⁵

Rehabilitation is achievable. But not all rehabilitation efforts yield the same results. While secular programs achieve some success in rehabilitation efforts, faith-based programs are proven to produce long-lasting effects that drastically reduce an inmate’s likelihood to reoffend.⁶ Indeed, the principle that people can change is fundamental in all major religious faiths. For example:

- “You were taught, with regard to your former way of life, to put off your old self, which is being corrupted by its deceitful desires; and to be made new in the attitude of your minds; and to put on the new self, created to be like God in true righteousness and holiness.” *Ephesians* 4:22-24, Holy Bible, New International Version.
- “Indeed, Allah will not change the condition of a people until they change what is in themselves.” *13 Ar-Ra’d*, Qu’ran.
- “One who comes in order to become impure, i.e., to sin, they, in Heaven, provide him with an

⁴ *Judge’s Last Chance Demand*, LOS ANGELES TIMES (July 23, 2004), <https://www.latimes.com/archives/la-xpm-2004-jul-23-ed-prisons23-story.html>.

⁵ Thomas S. Monson, *See Others as They May Become*, ENSIGN (Oct. 2012), <https://www.churchofjesuschrist.org/study/general-conference/2012/10/see-others-as-they-may-become.11-12?lang=eng#11>.

⁶ Grant Duwe & Byron R. Johnson, *Estimating the Benefits of a Faith-Based Correctional Program*, 2 INT’L J. OF CRIM. & SOCIO. 227, 228 (2013).

opening to do so, and he is not prevented from sinning. However, if he comes in order to become purified, not only is he allowed to do so, but they, in Heaven, assist him.” Talmud Shabbat 104a.

- “All virtues are obtained, all fruits and rewards, and the desires of the mind; my hopes have been totally fulfilled. The Medicine, the Mantra, the Magic Charm, will cure all illnesses and totally take away all pain. Lust, anger, egotism, jealousy and desire are eliminated by chanting the Name of the Lord.” Sri Guru Granth Sahib, 1388.
- “Even those who are considered the most immoral of all sinners can cross over this ocean of material existence by seating themselves in the boat of divine knowledge.” Bhagavad Gita 4:36.

Generally, all rehabilitation strategies “address the core behavioral issues that result in criminality, with the goal of reducing the likelihood that inmates re-offend either while incarcerated or after their release.”⁷ But faith-based programs are uniquely effective in driving lasting change because their approach is more holistic. While elements of a secular rehabilitation program are still present, faith-based programs dig deeper by requiring participants to reflect on their mindsets and actions.

On an individual level, faith-based programs expose prisoners to a framework of “prosocial” behaviors that foster positive behavioral changes.⁸ As the number of inmates

⁷ *Prison Reform: Reducing Recidivism by Strengthening the Federal Bureau of Prisons*, U.S. DEPT OF JUSTICE, <https://www.justice.gov/archives/prison-reform> (last visited June 5, 2024).

⁸ Prosocial behaviors are those behaviors that “are recognized by a concern for the feelings and welfare of other people.” Byron R.

participating in religious programs increases, the culture of a prison shifts, reflecting more positive behaviors.⁹

Rehabilitative programs that are religiously based are not new to the prison system.¹⁰ Forms of spiritual and religious ministering and volunteering have often been present in prisons. Today, several faiths offer programming to prisons across the country.

Religious faith shaped the earliest prison designs in the United States. Influenced by the Quaker doctrine of “Inner Light,” or the “belief that divinity existed within each individual[,]” the Walnut Street Jail attempted to rehabilitate prisoners through solitary confinement coupled with educational opportunities.¹¹ The jail’s conditions became the “beginnings of modern penal reforms.”¹²

The Quakers believed that “incarceration should be a period of hard work and solitude” in which offenders reflect on their crimes, read the Bible, and become penitent of their “sinful” ways.¹³ Prisoners were placed in solitary

Johnson, *How Religion Contributes to the Common Good, Positive Criminology, and Justice Reform*, 12 RELIGIONS 402, 404 (2021).

⁹ Byron R. Johnson & Sung Joon Jang, *Offender-led religious movements: Why we should have faith in prisoner-led reform*, OPEN ACCESS GOV'T (Jan. 16, 2024), <https://www.openaccessgovernment.org/article/offender-led-religious-movements-why-we-should-have-faith-in-prisoner-led-reform/172386/>.

¹⁰ Morgan Cox & Betsy Matthews, *Faith-Based Approaches for Controlling the Delinquency of Juvenile Offenders*, 71 FED. PROBATION at 1 (2007).

¹¹ *Timeline*, EASTERN STATE PENITENTIARY, <https://www.easternstate.org/research/history-eastern-state/timeline> (last visited June 5, 2024); see also Rex A. Skidmore, *Penological Pioneering in the Walnut Street Jail, 1789-1799*, 39 J. OF CRIM. L. & CRIMINOLOGY 166, 167 (1948).

¹² Skidmore, *supra* note 11 at 180.

¹³ Cox, *supra* note 10.

confinement to “turn inward: to reflect, find the inner divine, and repent.”¹⁴ Overcrowding in prisons meant that permanent solitary confinement was short-lived, but the Walnut Street Jail’s example would continue to influence prisons and prison ministries for years to come.¹⁵

Almost 200 years later, a different religious effort began to take shape. In the 1970s, prison ministries began to be established. Prison Fellowship International, the largest network of Christian ministries in the world, was one of the first prison ministry outreach programs developed to help bring faith and hope back to incarcerated individuals.¹⁶ Prison Fellowship offers comprehensive programming in over 1,300 prisons.¹⁷

Today, the organization offers “The Prisoner’s Journey,” a course that inmates can take during their sentence. So far, 833,414 prisoners have graduated from the program. In a comprehensive study through the Institute for Studies of Religion at Baylor University, empirical evidence showed that “through increasing prisoners’ religious engagement, [The Prisoner’s Journey] increases [prisoners’] motivation for identity transformation, or, finding a new meaning and purpose in life despite their criminal past and current incarceration.”¹⁸ In another independent evaluation of InnerChange Freedom, another

¹⁴ Simon Rolston, *Conversion and the Story of the American Prison*, 23 CRITICAL SURVEY 103, 103–06 (2011).

¹⁵ Skidmore, *supra* note 11.

¹⁶ *Who We Are*, PRISON FELLOWSHIP INTERNATIONAL, <https://pfi.org/who-we-are> (last visited June 5, 2024).

¹⁷ Byron R. Johnson & William Wubbenhorst, *Our Best Hope for Persistent Prisoner Transformation: A Case Study of Out4Life*, BAYLOR INSTITUTE FOR STUDIES OF RELIGION, at 5 (2011).

¹⁸ *Evidence of Impact: Proving Program Effects*, PRISON FELLOWSHIP INTERNATIONAL, <https://pfi.org/evidence-of-impact/> (last visited June 5, 2024).

program offered by Prison Fellowship, InnerChange Freedom graduates had lower rates of arrest upon release from prison compared to those who did not complete the program (17.3 percent of graduates versus 50 percent).¹⁹ When evaluating a group of Minnesota inmates, InnerChange participants were compared to prisoners who did not take part in the program. In that study, “InnerChange reduced re-arrest by 26 percent, re-conviction by 35 percent and re-imprisonment for a new felony offense by 40 percent.”²⁰

Around the same time, Nathan Burl Cain, the warden of Angola Prison, began to brainstorm how he could change the culture of the “bloodiest and most corrupt prison in the United States.”²¹ With most inmates in Angola serving life sentences, Cain noted that inmates needed some source of hope and identity, even if they would never leave the prison’s property. They needed what Cain would later coin as “moral rehabilitation.”

All inmates were invited, regardless of their choice of faith. “As many as 28 denominations stemmed within the prison” and pastors, deacons, ushers, rabbis, and Muslim imams visited and served within Angola. The New Orleans Baptist Theological Seminary set up a Bible college in the

¹⁹ Byron R. Johnson, *Can a Faith-Based Prison Reduce Recidivism?*, CORRECTIONS TODAY 60, 61 (2012).

²⁰ *Faith-based Re-entry Program for Prisoners Saves Money, Reduces Recidivism, Baylor Study Finds*, BAYLOR UNIVERSITY MEDIA AND PUBLIC RELATIONS (Aug. 8, 2013), <https://news.web.baylor.edu/news/story/2013/faith-based-re-entry-program-prisoners-saves-money-reduces-recidivism-baylor-study>.

²¹ Nate Alpern, *The Cain Chronicles: One Man’s Leadership in Faith-Based Prison Reform*, THE PEPPERDINE BEACON (Dec. 3, 2022), <https://pepperdinebeacon.com/the-cain-chronicles-one-mans-leadership-in-faith-based-prison-reform/>.

prison, where inmates could earn four-year college degrees in ministry.²²

According to Cain, strife and violence plummeted—a gang within Angola prison that had 6,500 members lost most of its membership. Prisoners refrained from using profane language and deviant behavior began to be monitored by fellow inmates.²³ In 1990, the prison reported 1,387 assaults by inmates, whereas in 2012, the number reported had decreased to 371.²⁴ Since Warden Cain’s implementation of the Angola project, similar programs have been implemented in Mississippi, Georgia, New Mexico, Michigan, and West Virginia.²⁵

These efforts transcend any particular religious faith. For example, the Tayba Foundation is a “leading Islamic organisation that provides traditional Islamic education within the US prison system.”²⁶ As Islamic faith continues to increase within the prison system, Tayba provides education to any inmate who wishes to learn the tenants of the faith. Currently, Tayba has programs and students in 30 states and 120 facilities.²⁷

Sadiq Davis (formerly Darrell Davis) was a prisoner who spent 25 years in a Chicago prison and converted to Islam during his sentence. Introduced to programs like those offered by Tayba, Sadiq found a place where he could

²² Maurice Chammah, *What Angola’s Resigning Warden is Leaving Behind*, THE MARSHALL PROJECT (Dec. 14, 2015), <https://www.themarshallproject.org/2015/12/14/the-final-judgment-of-burl-cain>.

²³ Alpern, *supra* note 21.

²⁴ Chammah, *supra* note 22.

²⁵ *Id.*

²⁶ *Teaching Islam in the U.S. Prison System*, TAYBA, <https://www.taybafoundation.org/student-success/2020/teaching-islam-in-the-u-s-prison-system-tayba-foundation> (last visited June 5, 2024).

²⁷ *Id.*

go to help find answers to his questions. While in jail, Sadiq realized that “things weren’t working” for him, and he needed to find answers. He began to read the Quran and engage in Muslim fellowship. Sadiq began to change as he participated in daily study and support groups. As he did, Sadiq was able to “recognize [his] own condition” and see how he needed to change his life. He described this realization as being “set free” and given direction as a result.²⁸ After he was released from prison, he began engaging in ministry and “reinventing himself as a Muslim in service of his community.”²⁹ The ability to learn about and explore Islam during his time incarcerated gave Sadiq new meaning, and that purpose continued to fuel his life after his release from prison.

Groups such as Jewish Prisoner Services International and Aleph Institute similarly work to provide resources to the incarcerated and their families, whether through individual visitations or group worship services.³⁰

Programs like those discussed above, and many others, run prison-based events and programs that share faith-based messaging to incarcerated men and women and offer resources to help inmates make real, lasting changes in their lives.

²⁸ Al Jazeera English, *Why do so many US prison inmates convert to Islam?*, YOUTUBE (Apr. 16, 2019), <https://www.youtube.com/watch?v=yquAEvHyRng>.

²⁹ *Sadiq Davis Legacy Fund*, LAUNCHGOOD, https://www.launchgood.com/v4/campaign/sadiq_davis_legacy_fund (last visited June 5, 2024).

³⁰ JEWISH PRISONER SERVICES INTERNATIONAL, <https://www.jpsi.org/about> (last visited June 5, 2024); *see also* THE ALEPH INSTITUTE, https://www.alephne.org/templates/articlecco_cdo/aid/1314499/jewish/About-Aleph.htm (last visited June 5, 2024).

These programs offer a structure through which inmates can experience personal growth and behavioral change. Though programs can differ in form or function, faith-based rehabilitation programs include religious services, religious text study groups, prayer groups, mentoring, and interaction with other participants or volunteers.³¹ All prisoners, regardless of their religious beliefs, are invited to participate, though the programs are voluntary in nature.³²

When an inmate begins to participate in a faith-based program, they are introduced to prosocial ideas like positive belief systems, core values, and norms that run opposite of criminal behavior that is often affirmed within the prison system. Where the prison system tends to exploit and foster negative, antisocial behaviors, faith-based programs encourage honesty, forgiveness, self-reflection, personal accountability, and spiritual transformation.³³

By rejecting antisocial thoughts and behaviors while encouraging those that are prosocial, faith-based initiatives create positive learning environments, help inmates build networks of social support, and normalize the practice of exercising prosocial standards.

A prisoner who engages in religious practice can experience a change to their identity.³⁴ Faith-based programs deliver long-lasting change because an inmate's "internal controls" begin to change. In other words, when the values taught within a faith-based program begin to alter the way an inmate thinks and interacts with the world around them, they begin to behave differently. Intrinsic

³¹ Baylor, *supra* note 20.

³² *Id.*

³³ Byron R. Johnson, *The Faith Factor and Prison Reentry*, 4 INTERDISC. J. OF RSCH. ON RELIGION 1, 6 (2008).

³⁴ Johnson & Jang, *supra* note 9.

motivators that determine how an individual acts may shift, resulting in behaviors that the individual likely did not practice prior to engaging in the program.³⁵ Conversion includes a change in behavior, but it goes beyond behavior; it is a change in one's very nature.

Additionally, faith-based programs offer inmates a heightened sense of dignity and purpose. Regardless of how long an inmate's sentence may be, faith teaches prisoners to care about the people around them and live in a more virtuous way.³⁶ The way of living provides inmates with a heightened sense of hope and personal dignity, resulting in a "heart and mind change."

II. WHEN INDIVIDUALS ARE NOT AFFORDED RELIGIOUS FREEDOM, THE POSSIBILITY OF MORAL REHABILITATION DECLINES FOR EVERY PRISONER

For inmates to experience change through their religious beliefs—whether newfound or reignited—thus must be able to practice those beliefs. If not, the core fuel that drives the internal and behavioral changes of inmates is severely dampened.

Courts protecting the religious rights of inmates increase the possibility of moral rehabilitation for inmates on a systemic level. The systemic effect is driven by the fact that the beneficial elements of religious practice spread among inmates, no matter their creed or specific religious faith.³⁷ According to Angola's Warden Cain, when

³⁵ Cox, *supra* note 10 at 2.

³⁶ Johnson, *supra* note 8.

³⁷ Michael Hallett, *Faith at Angola Prison*, COMMONWEAL (Mar. 30, 2017), <https://www.commonwealmagazine.org/faith-angola-prison> (describing how, after Angola began to allow inmates to run their own churches, prisoners began to organize groups for Baptists,

the prison began to support religion by opening a bible college, “it changed the culture of the prison.”³⁸ While the Ministry in Angola was based on Christian teachings, the bible school’s graduates “include 15 Muslims . . . [who] minister to the 250 Islamic inmates.”³⁹ Indeed, the prison now provides services for Protestant, Roman Catholic, Jewish, and Muslim inmates.⁴⁰

Angola is a powerful testament to the fact that religious practice does not occur in a vacuum. Where religion is allowed to proliferate, it will spread among inmates regardless of color or creed. With more inmates finding some form of religion in prison, the proportion of inmates that might achieve true moral rehabilitation increases equally.

The corollary to the fact that religious freedom fosters more opportunity for moral rehabilitation in prisons is that discrimination against individual inmates has an effect on the prospect of moral rehabilitation for *all* incarcerated individuals. The freedom to grow locks is important to a Rastafarian because he believes that he must do so to comply with the Nazarite vow.

But seeing others safely practice their religion and benefit from its teachings has another important purpose: it communicates to the next inmate that they are safe to do the same. Conversely, when a Rastafarian is pinned down and forcefully shaved, other inmates may never start their own religious journey. Instead, religious exercise is chilled.

Pentecostals, Catholics, Methodists and a small contingent of Muslim inmates began to practice at the prison).

³⁸ Erick Eckholm, *Bible College Helps Some at Louisiana Prison Find Peace*, THE NEW YORK TIMES (Oct. 5, 2013), <https://www.nytimes.com/2013/10/06/us/bible-college-helps-some-at-louisiana-prison-find-peace.html>.

³⁹ *Id.*

⁴⁰ *Id.*

Inmates are desperately in need of hope and dignity and will follow the lead of others if they appear to be on the path of finding that hope and dignity. But if inmates see others suffering persecution for their religious practice, they will hesitate to start and perhaps even abandon their own religious journey—especially if their faith of choice is a minority religious more likely to face persecution. This is hugely concerning because moral rehabilitation requires religious practice, so the failure to remedy discrimination against one inmate imperils the moral rehabilitation of every inmate.

III. RLUIPA MUST PROVIDE ADEQUATE PROTECTION TO INMATES WHO FACE RELIGIOUS DISCRIMINATION OR THE REHABILITATIVE EFFECT OF RELIGION IN PRISON WILL BE ENDANGERED

The Fifth Circuit’s misconstruction of RLUIPA has a twofold negative effect on the religious freedom of inmates and the rehabilitation that this freedom fosters.

First, inmates may be left without any remedy for religious discrimination they face while incarcerated.

Second, correctional officers are shielded from personal liability that would deter them from religious discrimination.

If left unchecked, this erosion of the religious freedom of inmates will jeopardize the moral rehabilitation that religion produces in prisons.

The Fifth Circuit’s rule leaves inmates, like the Petitioner here, who “clearly suffered a grave legal wrong,” drained of the hope and dignity their religion provides them while incarcerated. *Landor v. La. Dep’t of Corr. & Public Safety*, 93 F.4th 259, 260 (5th Cir. 2024) (Clement J., concurring). As this Court noted in *Tanzir*, damages for violations of religious rights “[are] not just ‘appropriate relief’ but rather ‘the *only* form of relief that can remedy

some RFRA violations.” *Tanzin v. Tanzir*, 592 U.S. 43, 51 (2020) (emphasis in original).

The Petitioner’s injuries here fall squarely in the second description. In dissent from the denial of en banc review, Judge Oldham recognized that “[a]n injunction obviously would not help the then-bald Landor.” *Landor*, 93 F.4th at 262 (Oldham J., dissenting). Like for so many others who have their fundamental rights violated, for Mr. Landor, “it’s damages or nothing.” *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388, 410 (Harlan, J., concurring). It is a foundational premise of American law that, for the rights we enjoy as Americans to have any meaning, the courts must provide a remedy when those rights are violated. *See Marbury v. Madison*, 5 U.S. 137, 163 (1803) (“The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right.”).

As explained above, religion offers inmates an opportunity for hope, dignity, and ultimately, moral rehabilitation. Recognizing that an inmate’s religious freedom has been “knowingly violated,” but nonetheless affording no relief under RLUIPA, would go far to rob inmates of what hope and dignity their religious practice might have cultivated. *Landor*, 93 F.4th at 260 (Clement J., concurring).

Beyond the necessity of providing relief to individuals, correctional officers and other officials who interact with prisoners must be disincentivized from engaging in religious discrimination for the full rehabilitative effect of religion to be felt in prisons. Moral rehabilitation through religious practice is only possible in an environment where that religious practice can occur. Without the proper incentives in place, correctional officers may stifle, with near impunity, the religion of those they are tasked with

rehabilitating. There must be a balance between affording correctional officers' deference in safely running prisons and an inmate's right to worship. However, if RLUIPA is interpreted to afford no recourse for plaintiffs like Mr. Lander, there is no semblance of "balance"; the interests of the state dominate the interests of the inmate. This flawed model threatens to stunt the religious practice of inmates through routine discrimination and make their moral rehabilitation impossible.

Individual capacity suits for damages under RLUIPA are the correct mechanism to provide the necessary disincentive for correctional officers because they open officers up to liability that is proportionate to the damage they inflict on the religious rights of prisoners. This Court has long acknowledged the deterrent effect of individual capacity suits in the context of Section 1983 and *Bivens* claims. *See Wyatt v. Cole*, 504 U.S. 158, 161 (1992) ("[T]he purpose of Section 1983 is to deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights and to provide relief to victims if such deterrence fails."); *see also Ziglar v. Abbasi*, 582 U.S. 120, 140 (2017) ("[T]he purpose of *Bivens* is to deter the officer.").

Further, with qualified immunity as a shield for all but clearly established constitutional violations, the risk of deterring officers too much is slight. Recognizing that RLUIPA, like Section 1983 and *Bivens*, provides a mechanism for damages would similarly serve to deter correctional officials from violating the religious liberty of inmates.

Providing damages under RLUIPA is a crucial step in enabling the moral rehabilitation of prisoners. Damages in cases like this provide the essential deterrent for prison officials, thereby protecting religious freedom and maintaining a prisoner's hope and dignity. The process of changing

hearts and minds is never easy. However, this case presents the opportunity to strengthen the religious freedom of inmates and give moral rehabilitation a fighting chance.

CONCLUSION

For these reasons, and those advanced by the Petitioner, the Court should grant the petition for writ of certiorari.

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