

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-9123-RGK (JEMx)	Date	November 28, 2012
Title	Rouser v. White		

Present: The Honorable	R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE		
S. Williams (Not Present)	Not Reported	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
Not Present	Not Present		

Proceedings: (IN CHAMBERS) Order Re: Plaintiff’s Motion for Injunction, Evidentiary Hearing and Sanctions (DE 573)

Since 1993, William Rouser (“Plaintiff”) has been involved in litigation regarding his ability to practice his religion, Wicca, while incarcerated. Plaintiff and Defendants Matthew Cate, Secretary of the California Department of Corrections and Rehabilitation and Brenda Cash, Warden of the California State Prison – Los Angeles County (collectively “Defendants”) reached a joint settlement agreement that was approved and entered as a Consent Decree on October 18, 2011, in the Eastern District of California. Venue was transferred to the Central District where Plaintiff is currently incarcerated.

The Consent Decree defines the specific rights of Plaintiff to practice his religion while incarcerated and the specific obligations of Defendants to accommodate Plaintiff’s practice. It also designated a process by which Plaintiff’s allegations of Defendants’ non-compliance, if any, will be reviewed. (Consent Decree ¶ 45.) On July 26, 2012, Plaintiff filed a Motion to Enforce the Consent Decree. The Court issued its order on November 15, 2012, granting in part and denying in part Plaintiff’s Motion. (DE 577.) In that order, the Court instructed Defendants to follow the appeals process set forth by the Consent Decree.

Presently before the Court is Plaintiff’s Motion for Injunction, Evidentiary Hearing, and Sanctions. Plaintiff alleges that Defendants are persistently violating the Consent Decree and that he has been confined to administrative segregation illegally.

Plaintiff has failed to comply with the appeals process required by the Consent Decree. Accordingly, the Court **DENIES** Plaintiff’s Motion.

Prior to seeking relief with the Court in regards to the Consent Decree, Plaintiff is first required to file any complaints against Defendants for second-level review with the Warden of the prison. (Consent Decree ¶ 45.) If Plaintiff is dissatisfied with the second-level review “he

must appeal to and properly exhaust his remedies at the Director's level before seeking relief from the district court." *Id.* Additionally, "copies of the CDCR 602 and responses shall be provided to the parties' attorneys of record, if any, who will meet and confer in an effort to resolve the dispute, before a motion is filed with the court." *Id.*

From Plaintiff's Motion, it appears that while Plaintiff may have filed several appeals with the Warden, he has not alleged that he brought or attempted to bring these appeals to the attention of the Director for further appeal as required. Thus, Plaintiff fails to establish that he exhausted the appeals process as required by the Consent Decree before seeking relief from this Court.

In light of the foregoing, Plaintiff's Motion is **DENIED**.

IT IS SO ORDERED.

Initials of
Preparer

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