

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LAMONT HEARD, *et al.*,

Plaintiffs,

vs.

TIM FINCO, *et al.*,

Defendants.

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Case No. 1:13-cv-373

Hon. Gordon J. Quist

**ORDER**

This is a civil rights action brought by four state prisoners.<sup>1</sup> This matter is now before the Court on plaintiffs' "Renewed motion for a declaration of the minimum number of calories that is constitutionally sufficient to maintain an inmate's health during Ramadan" (docket no. 167). In their motion, plaintiffs ask the Court to enter a declaratory judgment "of the minimum number of calories that is constitutionally sufficient to maintain an inmate's health during Ramadan." *See* Renewed motion, PageID #1521.

First, plaintiff's request for relief falls outside of the scope of this action. Plaintiffs' complaint does not seek this type of sweeping declaratory relief. Rather, the only declaratory relief sought in the complaint is that the Court enter a judgment "Declaring that Defendants' [sic] refused to accommodate Plaintiff's [sic] request for adequate meals during Ramadan violates the 1st & 8th Amendments and RLUIPA." Compl. (docket no. 1, PageID #6).

Second, this motion is redundant. The Court has addressed the issue of a constitutionally sufficient number of calories on two previous occasions. In its July 10, 2013 Order,

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<sup>1</sup> The Court notes that plaintiffs filed this *pro se* motion prior to the appointment of counsel.

the Court determined that “the 2013 Ramadan meal plan will provide prisoners between 2,350 and 2,594 calories per day” and that this amount of calories was sufficient to satisfy defendants’ constitutional obligation to provide plaintiffs “with a diet nutritionally adequate for the maintenance of normal health.” *See* Order of Clarification (docket no. 22, PageID #182), citing *Cunningham v. Jones*, 567 F.2d 653, 656 (6th Cir. 1977). Then, in its June 27, 2014 Opinion, the Court concluded “that providing prisoners participating in the Ramadan fast an average of 2,350 calories over a two-week period is consistent with sound nutritional practices and will not adversely affect prisoners’ health.” *See* Opinion (docket no. 104, PageID #996). Accordingly, plaintiff’s renewed motion (docket no. 167) is **DENIED**.

**IT IS SO ORDERED.**

Dated: September 21, 2015

/s/ Ray Kent  
Ray Kent  
United States Magistrate Judge