

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**KEITH GIVHAN, ET AL.**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 4:82CV64-JAD**

**STEVEN PUCKETT, ET AL.**

**DEFENDANTS**

**AND**

**JAMES O. McLAMB**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 4:01CV95-P-D**

**JAMES V. ANDERSON, ET AL.  
DEFENDANTS**

**CONSOLIDATED WITH**

**JOHN LAUSHAW**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 4:01CV120-P-D**

**JAMES V. ANDERSON, ET AL.**

**DEFENDANTS**

**SUPPLEMENTAL CONSENT DECREE**

**BACKGROUND**

Plaintiffs are members of the class of Islamic prisoners who are confined by the Mississippi Department of Corrections. Defendants are the supervisory officials of the Mississippi Department of Corrections. Plaintiffs litigated their concerns previously in Lockhart v. Hollowell GC-73-70-K, Givhan v. Thigpen 4:82CV64, and McLamb v. Anderson 4:01CV95. The Parties met for a settlement conference pursuant to a Hearing on Motions before the undersigned Judge on November 15, 2006. The Parties, in the interests of judicial economy and rational use of resources agree to complete settlement of these litigations on the following terms:

## Stipulation and Settlement Terms

This Consent decree supersedes and replaces all prior Orders or Decrees. All prior pending pleadings are hereby fully and finally dismissed, with prejudice, subject to the following provisions:

- a. **Place of Worship:** The defendants will allow all members of Plaintiff's class, as identified by the Chaplain's Department, who are "A" and "B" custody, to attend Jumah prayer service one Friday a month. Mississippi State Penitentiary inmates will attend the gym at Unit-29. Transportation and security will be available to carry out this requirement. All "A" and "B" custody members of the class will be allowed to congregate in their units for the purpose of Islamic worship and/or study, taleem "study group" on every other Friday of the month. For purposes of this order, a unit consists of all buildings within the complex (i.e. Units 29 and 30). "A" and "B" custody members of the class of all buildings will be allowed to congregate together in a designated area within that unit for the time designated. All "C" and "D" custody inmates or other inmates whose movement is restricted will be allowed to worship in their cells and possess religious materials that are consistent with the rules and regulations of the unit. The Defendants agree to make the Visitation Center at the Central Mississippi Correctional Facility the principle place of worship for Islamic inmates housed within that facility. If the Visitation Center is not available for that purpose, the Islamic inmates will be furnished cleaning supplies to clean an area to be used for worship services.
- b. **Imam:** Defendants shall continually employ and pay for Imams on the basis of personal service contracts, at \$20 per hour including travel time to serve members

of the plaintiff class for a total of 40 hours as follows:

- Mississippi State Penitentiary: 20 hours per week;
- Central Mississippi Correctional Facility: 10 hours per week;
- South Mississippi Correctional Institution: 10 hours per week.

Defendants shall require that their agents, the private authorities operating the Marshall County Correctional Facility, the Delta Correctional Facility, and the Wilkerson County Correctional Facility, shall each independently employ and pay for personal service contracting of Imam services for members of the plaintiff class for 10 hours per week at \$20 per hour.

However, Defendants will be responsible for providing and/or financing Imam personal services contracts at the private prisons if, for any reason, the private operators do not provide same.

The above personal contract hours and rates agreed upon and required above are subject to modification upon agreement of the parties or in the discretion of the court upon a showing of good cause for modification by the plaintiffs.

Defendants shall pay for the above personal services of Imams out of any available funds appropriated to the Mississippi Department of Corrections unless, if necessary to insure timely payment, the Court should hereafter order or approve payment from other sources. This payment provision specifically, and immediately, supersedes all prior orders and/or operational agreements of the parties concerning payment for personal services of Imams.

c. **Islamic Council:** The minimum number of Muslim class members at a Regional facility for an Imam to be provided is 15. Otherwise, a lay person will serve. Muslim class members may possess a Koran consistent with MDOC rules on religion. Further, the defendants agree that an Inmate Islamic Council of not more than five (5) inmates shall be elected or appointed by the inmate Islamic population, and that this Council will be allowed to communicate both by written correspondence and in person with the Division Director of Treatment and Programs. The Council may present ideas and suggestions regarding issues related to the Islamic population in the MDOC to include the assurance of one (1) pork-free meal a day.

i. **Eid al-Adha**

1. The feast of Eid al-Adha may be celebrated by Muslim class members pursuant to MDOC rules.
2. Food for the feast may be provided by the Muslim community on the outside as long as it meets security requirements of MDOC.

ii. **Religious Materials**

1. Plaintiff class will be fee, within the rules and regulations of the Mississippi Department of Corrections to solicit and procure funds and/or material for their religious use.
2. Plaintiff class may wear Kufi caps, consistent with the rules on wearing of hats for the inmate population and may possess two (2).
3. Plaintiff class members may possess one (1) approved prayer rug and may possess prayer oil purchased from the MDOC canteen.

4. All Islamic religious materials will be screened by Imams for appropriateness in conjunction with the MDOC Chaplaincy before being distributed to class members.
5. Any disagreements concerning appropriateness will be settled by the Superintendent of the facility.

iii. **Donated Religious Items**

1. All donated religious items must be screened by the MDOC Chaplaincy and the Imams, then MDOC security before the distribution to class members.
2. A financial account set up by the Imams and MDOC Chaplaincy will contain money donated for a mosque.

iv. **Ramadan**

1. Islamic class members will be allowed to observe Ramadan pursuant to MDOC security mandates.

d. Defendants have contracted to provide three balanced meals to all inmates, including Plaintiffs. Defendants will continue to meet the Lockhart v. Hollowell, GC73-70-K, requirement of at least one (1) pork-free meal daily. Additionally, a sufficient quantity of pork-free items will be included on the other two meals per day to insure that Islamic inmates receive an adequate daily diet of no less than 2,000 calories per day. And in addition, Defendants will post in each prison housing unit a copy of the daily menu so that each member of Plaintiffs' class will be advised of the meals on a daily basis. The Defendants agree to let the Imam at each Correctional Facility negotiate with the Islamic inmates for further privileges of the

Islamic Class at that facility.

- e. **Hair and Beards:** The defendants agree that the Inmate Handbook and Rules and Regulations will read “mustaches will be neatly trimmed at all times. Beards and goatees in excess of one-half (½) inch are not permitted for identification purposes.” That all future printings of the Inmates Handbook and Rules and Regulations will be revised to reflect the language of this Order concerning the growth of beards.
- f. The defendants agree that instruction on the Islamic religion and practice will be given to correctional officers in the Mississippi Department of Corrections Basic Training School.
- g. The defendants agree to post this Consent Decree in each housing unit on the first month after it is signed.

It is expressly understood by the parties that the provisions in this Order do not constitute a “prevailing” or an admission of liability by the defendants, or a recognition or vindication of Plaintiffs’ (constitutional rights and are agreed to solely as a compromise to avoid expense and to terminate all controversy and claims for damages arising from the incidents set forth by Plaintiffs).

The parties hereby obligate themselves to seek in good faith an informal resolution to any dispute as to term or applicability of this Order prior to instituting any legal action relative thereto.

Any inmate complaint concerning this Decree must go through the area Imam, then class counsel, and finally counsel for MDOC before being raised with the Court.

Each side shall bear its own costs and attorney fees, and Court costs.

This, the 28<sup>th</sup> day of July, 2008.

/s/ JERRY A. DAVIS  
UNITED STATES MAGISTRATE JUDGE

Approved by:

s/Charles B. Irvin  
Special Assistant Attorney General  
Attorney for Defendants

s/Pelicia E. Hall  
Special Assistant Attorney General  
Attorney for Defendants

s/Ronald Reid Welch  
Attorney for Plaintiffs