

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC DOWDY-EL, *et al.*,

No. 2:06-CV-11765

Plaintiffs,

Honorable Avern Cohn

v

Magistrate Judge David R. Grand

PATRICIA CARUSO, *et al.*,

Defendants.

ORDER APPROVING SETTLEMENT AND DISMISSING CASE

WHEREAS the Court having certified a class by Order dated December 20, 2012;

WHEREAS the Court having entered a Judgment on August 13, 2013 regarding certain matters at issue in this litigation and which Judgment shall remain in full force and effect;

WHEREAS the parties having otherwise resolved the remaining issues in this case;

WHEREAS Plaintiffs having filed a Motion for Preliminary Approval of Class Action Settlement and the Court having entered a Preliminary Order Approving Settlement on September 17, 2013;

WHEREAS notice to the class having been provided as set forth in the Preliminary Order;

WHEREAS the Court having held a hearing with proper notice on November 18, 2013 to consider whether this Order should be entered pursuant to Fed.R.Civ.P. 23(e);

WHEREAS the Court received and considered objections to the settlement and, by separate order, having found that the objections lack merit and otherwise do not bar entry of the settlement.

WHEREAS Defendants having agreed to the form of this Order;

WHEREAS the Court being otherwise advised in the premises;

IT IS HEREBY ORDERED AND ADJUDGED:

1. This Order applies to the named Defendants in their official capacity and shall be equally binding upon their successors, agents, officials, employees, representatives and assigns, including Daniel H. Heyns, the Director of the Michigan Department of Corrections (“MDOC”).

2. Defendants shall provide a religious meal that comports with *halal* tenets and satisfies basic nutritional requirements applicable to all prisoners. Defendants have adopted PD 05.03.150 (eff. 7/26/13) and OP5.03.150A. (eff. 7/30/13) addressing the provision of religious meals to prisoners and setting forth provisions for the preparation and service of said meals in conformity with Islamic religious requirements. The parties and the Court understand the language contained in PD 05.03.150 ¶¶PP (“The ... menu shall comply with ... Halal

religious tenets.”) to include not only the food items but also the manner of preparation and service. Defendants are not bound to serve any specific religious meal/menu but will provide religious meals that comport with prisoners’ religious tenets and nutritional needs.

3. Within 30 calendar days of the entry of this Order the Department of Corrections shall post a notice in all housing units which will inform prisoners that any prisoner who was found guilty of misconduct or received any form of administrative action including being classified as unemployable (“00”), from August 1, 2003 through the date of this Judgment, due to (a) a request to attend or attendance at a religious service which conflicted with a work, school or administrative detail or assignment or (b) refusal to attend a work, school or administrative detail due to a conflicting religious service, has the following agreed upon remedy:

- A. Within 30 calendar days of the posting of the notice, the prisoner may request expungement of the misconduct or correction of any other administrative action by filing a grievance directly at Step III as stated in the notice.
- B. If the Department determines that the prisoner was found guilty of misconduct or received other administrative action because of one of the reasons set forth above, the Department shall expunge the

misconduct and/or correct the prisoner's commitment files to clarify the other administrative action.

C. If the Department determines that the misconduct or other administrative action was not a result of one of the reasons set forth above, the misconduct or other administrative action shall remain in the prisoner's commitment files as originally issued.

D. The Department shall notify the prisoner in writing of its final determination.

1. This Court shall retain jurisdiction over this matter for the purpose of enabling any party to the Order to apply to the Court for: (i) such further orders or directions as may be necessary or appropriate for the interpretation or implementation of this Order; (ii) for any class member to apply to this Court for the enforcement of any provision or the punishment of any violation of this Order; and (iii) for Plaintiffs' counsel to move for an award of costs and fees under 42 U.S.C. §1988 and/or pursuant to any other applicable basis.

2. Except as to the foregoing, this is a final order and closes this case. Neither Plaintiffs nor Defendants shall appeal or challenge any order or judgment entered in this matter, including without limitation the Order dated December 20, 2012, the prior Judgment nor this Order.

3. Pursuant to Fed.R.Civ.P. 23(e)(2), the Court approves the proposed settlement as set forth herein as being fair, reasonable, and adequate.

SO ORDERED.

Dated: November 20, 2013

s/ Avern Cohn
UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Daniel D. Quick
Counsel for Plaintiffs

/s/ John Thurber
Counsel for Defendants

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, November 20, 2013, by electronic and/or ordinary mail.

s/Carol Bethel for Sakne Chami
Case Manager, (313) 234-5160