

***Walker v. Baldwin*, No. 22-2342 (7th Cir.)**

Weil Gotshal is litigating an appeal in the Seventh Circuit, *Walker v. Baldwin*, No. 22-2342 (7th Cir.), on the question of whether damages are available in lawsuits against state officials under the Religious Land Use and Institutionalized Persons Act (“RLUIPA”). Congress passed RLUIPA to protect the free exercise of religion in state prisons, and it empowered victims of RLUIPA violations to sue state officials for “appropriate relief.” The Supreme Court recently held in *Tanzin v. Tanvir* that this exact language, as it appears in the Religious Freedom Restoration Act, authorizes damages against federal officials. Yet, lower courts across the country continue to believe that the very same language in RLUIPA, RFRA’s sister statute, denies prisoners a comparable damages remedy against state officers who violate their religious freedom. As a result, prison officials can and do frequently evade any accountability for the arbitrary and irrational burdens that they impose on prisoners’ religious exercise—because prisoners are released or transferred to a different facility and are then prohibited from seeking damages after the fact.

That is precisely what happened to Thomas Walker. As a devout Rastafarian, Walker kept his hair uncut and in dreadlocks—both as a physical embodiment of his connection to God and as a bridge to the memory of the woman who first inspired him to take the Nazarite vow. But the prison officials at Dixon Correctional Center bullied and threatened Mr. Walker into removing his dreadlocks, over his objections and in clear violation of his sincere religious beliefs. Mr. Walker sued the prison officials who violated his rights, but because he was released from prison during the litigation, and because the Seventh Circuit has refused to permit damages under RLUIPA, his claims were dismissed at summary judgment and he was left entirely without a remedy. Notably, before dismissing the case, the district court judge reprimanded the defendants for their “stunning” representations and “troubl[ing]” justifications. But according to the court, “controlling Seventh Circuit precedent” denied Mr. Walker a right to damages. And no damages meant no accountability.

On October 19, 2019, Weil filed its opening appellate brief on behalf of Mr. Walker, asking the Seventh Circuit to reverse its existing precedent on damages under RLUIPA—both because it is inconsistent with the Supreme Court’s recent decision in *Tanzin v. Tanvir*, and because it denies victims like Mr. Walker any meaningful relief under a critically important federal statute. Six friend-of-the-court briefs were filed in support of Weil’s position, representing dozens of religious organizations and leading scholars. Those filing briefs include:

- Professor Byron Johnson, represented by Noel J. Francisco, Yaakov M. Roth, and Kelly C. Holt of Jones Day and by Eric C. Rassbach of the Hugh and Hazel Darling Foundation Religious Liberty Clinic of Pepperdine University
- Professor Douglas Laycock, represented by Joshua C. McDaniel, Kelsey M. Flores, Parker W. Knight III, and Matthew E. Myatt of the Harvard Law School Religious Freedom Clinic
- The Union of Orthodox Jewish Congregations of America, represented by Nathan J. Diamant and by Gordon D. Todd, Brian P. Morrissey, and Jeremy D. Rozansky of Sidley Austin LLP

- Twenty-seven religious organizations led by the Muslim Bar Association of New York, represented by Adeel A. Mangi and Jacob I. Chefitz of Patterson Belknap Webb & Tyler LLP
- Agudath Israel of America, represented by Avrohom Weinstock and by Gabriel K. Gillett of Jenner & Block
- The Bruderhof, Creating Law Enforcement Accountability & Responsibility (CLEAR), Muslim Advocates, and the Sikh Coalition, represented by Stephanie Hall Barclay and Francesca Matozzo of the Norte Dame Law School Religious Rights Clinic

The Weil team representing Mr. Walker is led by Zack Tripp, and includes Josh Halpern, Shai Berman, Sara Weiss, and Natalie Howard. The firm is committed to this important issue and is currently representing multiple individuals like Mr. Walker in the courts of appeals across the country, who have been denied the right to seek damages for violations of their religious freedom.