

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

AMERICAN HUMANIST ASSOC.,)	
AND KWAME TEAGUE,)	
)	
Plaintiffs,)	CASE NO. 5:15-ct-03053-BO
)	
v.)	
)	
FRANK L. PERRY, <i>et al.</i> ,)	
)	
Defendants.)	

PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs American Humanist Association (“AHA”) and Kwame Jamal Teague (“Teague”) move for summary judgment on all their claims against Defendants, all of whom are being sued in the official capacities as officials of the North Carolina Department of Public Safety (collectively, “NCDPS”). In Claim 1, Plaintiffs challenge NCDPS’s refusal to recognize Humanism as an approved faith group (“Faith Group”) and allow Humanist inmates to meet in groups to study and discuss their shared convictions, while simultaneously authorizing group meetings for other Faith Groups of equal or smaller size, as violative of the Establishment Clause of the First Amendment to the United States Constitution. In Claim 2, Plaintiffs challenge NCDPS’s disparate treatment of Humanist inmates, and preferable treatment of other similarly situated Faith Groups, as violative of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

In support of this motion, Plaintiffs submit the attached Memorandum of Law and Plaintiffs’ Local Civil Rule 56.1 Statement of Material Facts, which includes an Appendix containing all evidence cited by Plaintiffs in support of this Motion. The Appendix will be filed in multiple parts based on file upload limitations of the Court’s CM/ECF system and per recommendation of the CM/ECF helpdesk. Confidential exhibits are separately filed provisionally under seal. A courtesy hard-copy of all materials filed by Plaintiffs also will be delivered to the Raleigh Clerk’s office for use by the Court’s chambers.

No facts material to Plaintiffs' claims remain in dispute; and based on the undisputed facts, Plaintiffs are entitled to judgment as a matter of law. Accordingly, Plaintiffs respectfully request that this Court grant them summary judgment and award them the following relief:

1. A declaratory judgment that NCDPS's refusal to approve Humanism as a Faith Group and refusal to authorize Humanist group meetings on the same terms as officially recognized Faith Groups violates the Establishment Clause and the Equal Protection Clause, and is a violation of the Plaintiff's constitutional rights under 42 U.S.C. § 1983;

2. A declaratory judgment that NCDPS discriminated against Teague on account of his Humanist convictions in violation of the Equal Protection Clause and Establishment Clause;

3. A permanent injunction ordering Defendants, their agents, successors, and any person in active concert with the Defendants to:

(1) Recognize Humanism as an NCDPS approved Faith Group;

(2) Create an OPUS code for Humanism and authorize inmates to declare Humanism as their faith code for assignment and accommodation purposes;

(3) Add a section on Humanism in the NCDPS Religious Practices Reference Manual;

(4) Authorize and accommodate Humanist meeting groups and allow Humanist groups to meet on the same terms as other recognized Faith Groups;

(5) Authorize Teague to meet in a Humanist Faith Group for the duration of his sentence;

(6) Authorize outside organizations, including the American Humanist Association, to donate publications and other literature relating to Humanism in bulk on the same terms as NCDPS accepts donations of Bibles and other religious texts from outside organizations; and

(7) Provide Humanist Faith Groups with all the same rights, privileges, and benefits of other approved Faith Groups.

4. A permanent injunction prohibiting the Defendants, their agents, successors and any person in active concert with the Defendants, from: (1) Refusing to authorize a Humanist group to meet on the same terms NCDPS authorizes groups for inmates of other faith traditions; (2) Otherwise discriminating against inmates on account of their Humanist convictions;

5. Award Plaintiffs nominal damages in the amount of \$1 each;

6. Award Plaintiff attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and

7. Grant Plaintiffs such further relief as the Court deems proper.

Respectfully submitted this 28th day of July 2017.

/s/ Monica L. Miller

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CERTIFICATE OF SERVICE

I certify that I electronically filed the attached **Plaintiffs' Motion for Summary Judgment** with the Clerk of the Court using the CM/ECF system, which will provide notice to the following CM/ECF participant(s):

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This the 28th day of July, 2017.

/s/ J. Christopher Jackson

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