

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 18 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SHAWN CHARLES GOFF,

Plaintiff-Appellant,

v.

RODE, Ex Deputy Warden;Unknown; R. KAUFMAN, Ex Assistant Deputy Warden; STRODE, Correctional Officer III/Hearing Officer;Unknown; REYES, Correctional Officer II;Unknown; UNKNOWN PARTY, Named as Lewis Complex Major; BAKER, Captain;Unknown; RICHARDS, Captain;Unknown; UNKNOWN PARTY, Named as Unknown TSU CO II; UNKNOWN PARTY, Named as Unknown TSU CO II; SIKES, Correctional Officer II;Unknown; DIAZ, Sergeant;Unknown; DAVID SHINN, Director, Director of the Arizona Department of Corrections; CHARLES L RYAN, Former Director of the Arizona Department of Corrections; ANTHONY COLEMAN, Deputy Warden; UNKNOWN PARTY, Named as Steiner Unit Property Sargeant; CLAUSON, C.O. II; Unknown; MORRIS, CO IV, Grievance Coordinator: Unknown; RANDY STANDRIDGE, Major; JENNIFER REPP, Sergeant; JAMES WILLETT, Sergeant; TEVIN FORREST, Correctional Officer II;

No. 23-15572

D.C. No. 2:20-cv-01284-DLR

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

IVAN CASTRO-HERMOSILLO,
Correctional Officer II; ALAN JONES,
Correctional Officer II,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Arizona
Douglas L. Rayes, District Judge, Presiding

Argued and Submitted January 7, 2026
Phoenix, Arizona

Before: RAWLINSON, M. SMITH, and BRESS, Circuit Judges.
Dissent by Judge RAWLINSON.

Shawn Charles Goff, an Arizona state prisoner, sued four prison officers (Repp, Willett, Forrest, and Jones) and Complex Major Standridge under 42 U.S.C. § 1983, alleging that defendants violated his First Amendment Free Exercise rights by confiscating his Wiccan religious objects. The district court granted summary judgment for defendants. We review the grant of summary judgment de novo. *Silverado Hospice, Inc. v. Becerra*, 42 F.4th 1112, 1118 (9th Cir. 2022). We conclude that Goff presented sufficient evidence to create a genuine dispute of material fact whether the confiscation of his religious items constituted a substantial burden on his religious exercise and whether the defendants personally participated in the deprivation of those items. We further conclude that Goff sufficiently presented his claim under the Religious Land Use and Institutionalized Persons Act (RLUIPA). We reverse and remand for further proceedings.

1. “An inmate asserting a Free Exercise claim must first show that he or she has a sincerely held religious belief that was impinged by government action.” *Fuqua v. Raak*, 120 F.4th 1346, 1352 (9th Cir. 2024). If the inmate makes this showing, the burden then shifts to the prison officials to show that the restriction “is reasonably related to legitimate penological interests.” *Id.* (quoting *Jones v. Slade*, 23 F.4th 1124, 1144 (9th Cir. 2022)). Assuming without deciding that Goff must show a substantial burden on his religious exercise to advance a Free Exercise claim, *see id.* at 1353 & n.5 (making same assumption), Goff produced sufficient evidence to create a genuine dispute that the deprivation of his medallion and altar cloth substantially burdened his exercise of Wicca.

A substantial burden “must have a tendency to coerce individuals into acting contrary to their religious beliefs or exert substantial pressure on an adherent to modify his behavior and to violate his beliefs.” *Jones v. Williams*, 791 F.3d 1023, 1031–32 (9th Cir. 2015) (quoting *Ohno v. Yasuma*, 723 F.3d 984, 1011 (9th Cir. 2013)). A substantial burden includes “indirect burdens,” such as “affording privileges in a way that ‘encourag[es] an inmate to do that which he is religiously prohibited or discouraged from doing’ or that ‘discourag[es] an inmate from doing that which he is religiously compelled or encouraged to do.’” *Fuqua*, 120 F.4th at 1353 (alterations in original) (quoting *Jones*, 23 F.4th at 1140).

Viewing the facts in the light most favorable to Goff, a jury could reasonably

conclude that the deprivation of Goff's protective medallion and altar cloth substantially burdened his exercise of Wicca. Defendants do not dispute the sincerity of Goff's religious beliefs. And according to Goff, his medallion stored energy and had significant "spiritual" value, preventing "negative or evil forces/energies that would seek to cause imbalance or harm." Goff's altar cloth was similarly "[a] consecrated space for casting runes for Divination, altar items . . . , [and] prayer focus." A jury could reasonably determine that Goff's religious expression of wearing his protective medallion and performing rituals that require his altar cloth was substantially burdened when defendants confiscated his items.

That Goff could have alternative ways to practice Wicca in some form, as our dissenting colleague contends, does not make the deprivation of his religious items any less of a substantial burden. Courts consider "whether prisoners have an alternative method of engaging in religious practice" in assessing whether prison officials have met their burden in showing that their actions are reasonably related to a legitimate penological interest—a ground the district court did not reach and that the defendants have not otherwise advanced in this court. *Fuqua*, 120 F.4th at 1352 (quoting *Walker v. Beard*, 789 F.3d 1125, 1138–39 (9th Cir. 2015)); *see also Jones*, 23 F.4th at 1145 (finding a substantial burden and therefore remanding to the district court to consider reasonableness in the first instance). Moreover, whether Goff can practice his religion in some way improperly frames Goff's exercise of

religion at too high of a level of generality. *See Jones*, 23 F.4th at 1141–42, 1145 (holding that the district court erred in casting the inmate’s religious exercise at the “higher level of generality” of observing Ramadan rather than the inmate’s reading his preferred religious texts during Ramadan). The dissent’s position that it does not implicate the Free Exercise right to deprive an inmate of two religiously significant items finds no support in precedent.¹

Nor was the confiscation of Goff’s items a “relatively short-term and sporadic” interference. *Canell v. Lightner*, 143 F.3d 1210, 1215 (9th Cir. 1998). Goff never saw his religious items again after the prison guards confiscated them, so a reasonable jury could conclude that the interference was substantial and more than merely “momentary” or “temporary,” as the district court concluded.

2. Goff provided sufficient evidence for a reasonable jury to find that defendants personally participated in the deprivation of his religious items. *See Nicholson v. City of Los Angeles*, 935 F.3d 685, 691 (9th Cir. 2019) (“An officer’s liability under section 1983 is predicated on his ‘integral participation’ in the alleged violation.” (quoting *Blankenhorn v. City of Orange*, 485 F.3d 463, 481 n.12 (9th Cir. 2007))).

¹ Whether Goff could have repurchased his items at any time is genuinely disputed because the purchase of religious items requires the chaplain’s approval, which Goff claims is “difficult to get,” and Goff also faced significant financial hardships. Goff also asserts that the items were religiously unique to him and therefore not fungible.

It is genuinely disputed whether Standridge personally participated in the confiscation of Goff's items because (1) the prison identified Standridge in response to Goff's subpoena asking for the identity of the Complex Major involved in the search of his cell and confiscation of his religious items; (2) Trauman informed Goff that his altar cloth would not be returned on orders from the Complex Major (Standridge); and (3) Goff told Standridge that he was not allowed to take his religious items in light of his approval forms.²

It is also genuinely disputed whether the four officer defendants personally participated in a substantial burden on Goff's religious exercise. In response to Goff's subpoena, the prison similarly identified the four officer defendants as those who confiscated Goff's religious items. When Goff returned to his cell, he overheard two officers refer to items in a plastic bag as "satanic and devil stuff," which supports an inference that the officers were referring to religious items, in that Goff claims his items are commonly misinterpreted as satanic. Goff's items were also already approved by the prison as religious objects, and Goff had a personal property box in his cell labeled "Religious Box," further supporting an inference that the officers knew or should have known that the items were religious in nature. A reasonable

² Assuming without deciding that the conversation with Trauman is hearsay, it may be considered at summary judgment because it could be presented in an admissible form at trial. *See Fraser v. Goodale*, 342 F.3d 1032, 1036 (9th Cir. 2003).

jury could likewise conclude, based on the officer defendants' involvement in the confiscation, that they were removing the items for more than a brief period of time, even though they lost possession and control of the items after they were inventoried.³

3. Goff sufficiently alleged an RLUIPA claim. “RLUIPA claims need satisfy only the ordinary requirements of notice pleading.” *Alvarez v. Hill*, 518 F.3d 1152, 1159 (9th Cir. 2008). Goff provided defendants with “fair notice” of his RLUIPA claim because his second amended complaint “contained factual allegations establishing a ‘plausible’ entitlement to relief under RLUIPA,” which Goff supplemented in his opposition to defendants’ motion for summary judgment by explicitly raising an RLUIPA claim. *Id.* at 1157–59. Indeed, defendants responded to Goff’s RLUIPA claim in their subsequent summary judgment reply. Considering the circumstances as a whole, Goff sufficiently presented an RLUIPA claim under *Alvarez*. Because the district court erred in failing to address Goff’s RLUIPA claim, we reverse the dismissal of that claim, which the district court should consider in the first instance.

³ Defendants raise qualified immunity as an alternative ground for affirmance, but we leave it to the district court to address this question and any other defenses in the first instance. We also reject Goff’s claim that the district court erred in not considering two other purported free exercise violations—the officer ordering Goff to take off his medallion and the later handling of his altar cloth. These allegations were insufficiently pleaded, even accounting for Goff’s status as a pro se litigant.

REVERSED AND REMANDED.

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Goff v. Rode, Case No. 23-15572
Rawlinson, Circuit Judge, dissenting:

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I respectfully dissent. In my view, Goff failed to raise a material issue of fact that the purported confiscation¹ of an altar cloth and medallion substantially burdened his First Amendment right to the free exercise of religion.

Goff asserted that prison officials confiscated an altar cloth and medallion which “depriv[ed] him of his sincerely held religious belief.” To state a claim under the First Amendment, the prisoner must establish that prison officials “*substantially burden[ed]*” his ability to practice his religion. *Jones v. Williams*, 791 F.3d 1023, 1031 (9th Cir. 2015) (emphasis added). To constitute a substantial burden, “the government action in question . . . must have a tendency to coerce individuals into acting contrary to their religious beliefs or exert *substantial pressure on an adherent to modify his behavior and to violate his beliefs.*” *Id.* at 1031-32 (citation omitted) (emphasis added).

There is absolutely no evidence in the record that Goff was coerced into acting contrary to his beliefs or that he was pressured in any way to modify his

¹There is a dispute in the record whether the items were confiscated or simply misplaced. However, we must view the facts in the light most favorable to Goff as the non-movant. *See Long v. Sugai*, 91 F.4th 1331, 1336 (9th Cir. 2024). Therefore, we assume that the items were confiscated. *See id.*

behavior *and* violate his beliefs. *See id.* Indeed, Goff continued to practice his rituals as he did before confiscation of the altar cloth and medallion.²

He continues to practice daily “ritual mediation and prayer,” focusing on the “three body centers,” and other “various meditations . . . called path workings” to “get [himself] from an alpha, to a beta, to a theta state eventually.” He also related that depending on what the issue is he uses different visualization techniques. He gave the following examples:

If I’m having a thing where I need concrete help on a physical problem, I will usually do it with Mother Earth, and that is where you visualize that you have roots growing out of every portion of your body that’s making contact with the physical surface, and then those roots make contact with the earth, and you exchange energy, taking away the negative energy and Mother Earth gives you back clean energy.

. . .

If you’re doing emotional work, I would picture myself going into a lake or to a river and going and speaking to

²Although Goff asserted that there are some practices he “cannot do” because the confiscation of the altar cloth and medallion “put an unnecessary strain and imposition upon these practices,” he did not specify the referenced practices. This lack of specificity failed to raise a material issue of fact. *See Johnson v. Baker*, 23 F.4th 1209, 1215 (9th Cir. 2022) (explaining that under the Religious Land Use and Institutionalized Persons Act, we focus on the “*specific* religious practice at issue”) (emphasis added).

the deities or preachers or entities in there, just as I would with the Mother Earth. Other ones, if I want to go to what's known as the otherworld, I will picture a tree that has a door at the base.

If I want to go to the otherworld—or to the underworld, or if I want to go to the otherworld, I will climb a staircase to the very crown of the tree and go to the otherworld, and you do the same thing there where you will create your own ritual space.

It's called mind palace. I don't know if you're familiar with what that term means, but your mind palace is whatever you visualize it to be . . . We're creating a ritual space, otherwise known as the mind palace.

In addition, Goff could have replaced the altar cloth and medallion, but elected not to do so. It is undisputed that the altar cloth and medallion cost \$12 each. It is also undisputed that Goff was previously allowed to possess the medallion and chain, and there is nothing in the record to suggest that a request to replace the altar cloth and medallion would be denied. Goff does not assert that he lacks the funds to replace the altar cloth and medallion. Rather, he has elected not to do so because he "will not place money on [his] account until [he] start[s] getting these [11 lawsuits] dealt with and taken care of."

On this record, I am not persuaded that Goff raised a material issue of fact regarding a substantial burden on his free exercise rights. As we have explained,

“[t]o ensure that courts afford appropriate deference to prison officials, the Supreme Court has directed that alleged infringements of prisoners’ free exercise rights be judged under a reasonableness test less restrictive than that ordinarily applied to alleged infringements of fundamental constitutional rights.” *Jones*, 791 F.3d at 1032 (citation and internal quotation marks omitted).

Under this less restrictive test, there is no material issue of fact regarding the reasonableness of the prison officials’ response to the asserted confiscation of the altar cloth and medallion. Goff continued to practice his rituals uninhibited and had the opportunity to purchase replacement items but declined to do so. Unlike in *Jones v. Slade*, when the defendant was denied the “right to read his Nation of Islam text during [the holy month of] Ramadan,” 23 F.4th 1124, 1141 (9th Cir. 2022), there is no indication in the record of a similar “holy” ritual of which Goff was deprived. In sum, the record does not support the existence of a material issue of fact regarding a substantial burden on Goff’s free exercise rights as defined in this circuit. Goff did not raise a material issue of fact that he was “coerc[ed] . . . into acting contrary to [his] religious beliefs.” *Jones v. Williams*, 791 F.3d at 1031-32. Rather, Goff explained in detail that he continued to act consistently with his beliefs. Neither was there evidence of “substantial pressure” exerted on Goff

“to modify his behavior *and* to violate his beliefs.” *Id.* at 1032 (citation omitted) (emphasis added). I respectfully dissent.