

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

JABBAAR ABDUL,

Plaintiff,

v.

Case No.: 4:21cv153-MW/MJF

MARK INCH, et al.,

Defendants.

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**ORDER DIRECTING CLERK TO NOTIFY BAR MEMBERS OF THE
OPPORTUNITY TO REPRESENT THE PLAINTIFF PRO BONO**

This case presents the question whether the Florida Department of Corrections must allow a prisoner to grow a four-inch beard—or any beard longer than the Department’s half-inch limit—to accommodate his religion. The answer turns on genuine disputes of material fact. An order has been entered denying summary judgment. This Order directs the Clerk to send a notice to all attorneys registered with this Court’s electronic filing system. The notice must state:

This is a notice of an opportunity to provide pro bono service either individually or by overseeing the work of a law student or other qualified individual, including, for example, a retired attorney.

The notice applies to this case. A nonjury trial will be set in Tallahassee at a date acceptable to both sides. In a similar case, all evidence was presented in a single day, with closing arguments the next day. *See Sims v. Inch*, 400 F. Supp. 3d 1272 (N.D. Fla. 2019), *aff’d sub nom. Sims v. Sec’y, Fla. Dep’t of Corrs.*, 75 F.4th 1224 (11th Cir. 2023).

The plaintiff is an inmate in the Florida Department of Corrections. He is currently housed at Avon Park Correctional Institution. He asserts a right under the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), based on his Muslim faith, to grow a beard extending at least four inches or in any event longer than the half-inch maximum set by the Department’s current beard policy.

An order denying summary judgment was docketed in this case on May 5, 2025. The report and recommendation, entered on March 26, 2025, cites the most relevant authorities on a prisoner’s right under RLUIPA to grow a beard longer than allowed for prisoners generally. The cited cases included both *Sims*, in which the plaintiff prevailed, and a more recent Eleventh Circuit decision in which the defendant prevailed. *See Smith v. Owens*, 13 F.4th 1319 (11th Cir. 2021). No further discovery is anticipated. The case is ready for trial, or nearly so.

Public funds are not available for the payment of attorney’s fees. Fees may be recoverable under applicable law if a plaintiff ultimately prevails. *See* 42 U.S.C. § 1988. Limited funds sometimes are available from the district’s Bench and Bar Fund for the payment of out-of-pocket expenses incurred by an attorney providing representation of this type. The plaintiff prevailed in *Sims*, so attorneys who represented him in response to a notice like this one recovered fees, but that does not mean the plaintiff will prevail and attorneys will recover fees here.

An attorney who wishes to represent the plaintiff may contact him directly and may enter the case by filing a notice of appearance.

Access to the electronic docket will be made available without charge for consideration of a response to this notice.

An attorney who wishes to appear should file a notice of appearance as soon as the decision is made and in any event by August 1, 2025.

SO ORDERED on June 23, 2025.

s/Mark E. Walker
United States District Judge