

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

PRISON LEGAL NEWS, et. al.,)	Civil Action No. 2:10-02594-MBS
)	
Plaintiffs;)	
)	
UNITED STATES OF AMERICA,)	UNITED STATES'
)	MOTION TO INTERVENE
Applicant for Intervention)	
)	
v.)	
)	
BERKELEY COUNTY SHERIFF'S)	
OFFICE and SHERIFF H.)	
WAYNE DeWITT et al.,)	
)	
Defendants.)	

The United States of America, pursuant to Fed. R. Civ. P. 24, moves this Honorable Court to intervene in this action. In support, the United States submits that:

1. Plaintiff, Prison Legal News, has filed claims under the 42 U.S.C. § 1983 asserting violations of the Speech and Establishment Clauses of the First Amendment to the United States Constitution.

2. The Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. §14141(a) (“Section 14141”), grants the United States authority to bring an action for injunctive or declaratory relief when the Attorney General has reasonable cause to believe there exists “a pattern or practice of conduct by law enforcement officers . . . that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.” 42 U.S.C. § 14141(a).

3. The Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc (“RLUIPA”), forbids a government institution from imposing “a substantial burden on the religious exercise of a [resident].” 42 U.S.C. § 2000cc-1(a). To justify such a burden, the government must demonstrate that it is “the least restrictive means of furthering that compelling governmental interest.” 42 U.S.C. § 2000cc-1(a).

4. RLUIPA grants the United States the authority to bring an action for injunctive or declaratory relief to enforce its provisions. 42 U.S.C. § 2000cc-2(f).

5. The United States moves this Court for intervention of right, pursuant to Rule 24(a)(2), and alternatively for permissive intervention, pursuant to Rule 24(b).

6. Pursuant to Local Civil Rule 7.04, the United States submits a Memorandum of Points and Authorities in Support of United States’ Motion to Intervene.

7. Pursuant to Local Civil Rule 7.02, attorney Michael J. Songer has conferred with attorney Sandra Senn regarding this motion.

8. The United States has attached a Complaint in Intervention, pursuant to Rule 24(c).

WHEREFORE, the United States respectfully requests that this Court grant this Motion to Intervene as a party Plaintiff.

Respectfully submitted,

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UNITED STATES ATTORNEY

By: *s/Barbara M. Bowens*
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April 12, 2011

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