

NOV 16 1975

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

NATIVE AMERICAN
COURT FUND

FILED

NOV 14 1978

LEWIS L. VADEN
CLERK, U. S. DISTRICT COURT

ALAN JAMES LITTLE RAVEN,)
)
Plaintiff,)
)
v.)
)
NORMAN HESS, Warden,)
Oklahoma State Penitentiary,)
)
Defendant.)
_____)

Cv. No. 77-165-C

ORDER ON DISMISSAL

This matter is before the Court on the parties' Stipulation regarding the dismissal with prejudice of this action.

Plaintiff is an American Indian incarcerated in the Oklahoma State Penitentiary. The complaint herein, filed under 42 U.S.C. § 1983, charges the defendant with maintaining certain practices and procedures at the penitentiary which deny plaintiff his right to practice his Indian culture and religion, in violation of rights secured to him by the First and Fourteenth Amendments to the United States Constitution.

On August 4, 1978, defendant and other officials issued Operations Memorandum Number OP-090301 (Revised), which reads in pertinent part as follows:

"Inmates desiring to meet on a group basis for native religious, cultural, or spiritual purposes and activities will be permitted to do so on a regular basis pursuant to procedures approved by the Warden.

- a. Inmates will be permitted reasonable access to Native American medicine men or spiritual leaders on a group or individual basis, for religious purposes. Native American medicine men or spiritual leaders will have access to inmates on the same basis as other outside chaplains.
- b. Inmates shall be permitted to receive and possess items incident to the practice of Native American religion for this religious worship. Such items shall

Raven v. Oklahoma State Penitentiary



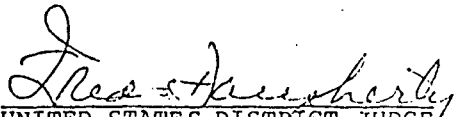
PC-OK-002-001

include feathers, fans, beads, gourds, drums, literature and all other Indian religious items that are consonant with the requirements of maintaining security, and safe and orderly conditions within the institution." 1/

The Court approves the above policies and finds that defendant's adoption of them at the penitentiary resolves the claims presented by plaintiff in this action. Moreover, defendant's new policy will serve to protect other Indian prisoners in the practice of Indian religion and culture.

Accordingly, based upon defendant's implementation of and compliance with Operations Memorandum OP-090301 and the parties' Stipulation, it is hereby Ordered that this action is dismissed with prejudice, each party to bear his own costs.

ORDERED this 14 day of November 1978.


UNITED STATES DISTRICT JUDGE

1/ In a related case, the Court issued an Order stating, "The defendants' new operation memorandum in regard to religious practices, OP-090301, is approved. Defendants shall immediately conform to the procedures set forth in this memorandum" Battle v. Anderson, Civil Action No. 72-95, (Order of September 11, 1978, page 4).