



FILED
3:28 pm, 7/29/08
Stephan Harris
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

ANDREW YELLOWBEAR,)	Civ. No. 08-CV-013J
)	
Plaintiff,)	CONSENT DECREE
)	
vs.)	AND
)	
ROBERT LAMPERT, et al,)	ORDER OF DISMISSAL
)	
Defendants.)	
_____)	

1. Plaintiff Andrew Yellowbear is an enrolled member of the Northern Arapaho Tribe, a federally recognized Indian tribe situated on the Wind River Indian Reservation in Wyoming. He is presently incarcerated in the Wyoming State Penitentiary ("WSP") in Rawlins, Wyoming under the care, custody and control of the named Defendants.

2. Plaintiff filed this action seeking relief under the First Amendment to the U.S. Constitution and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc *et seq.* ("RLUIPA"). Plaintiff claims that he engages in traditional American Indian religious exercises in which eagle feathers play a significant and central role, and that various policies at WSP are preventing him from possessing a sufficient number of eagle feathers for those activities. Defendants deny that their policies have burdened Plaintiff's religion.

3. The parties have reached a compromise that this Court finds fair and reasonable. Attached as "Exhibit 1," and incorporated herein by reference, are the relevant pages of the Handbook of Religious Beliefs recently updated by the Wyoming Department of Corrections ("WDOC"). The Handbook recognizes that eagle feathers "are sacred objects" and that the number four "is a number of great power" to many American Indians. Accordingly, the Handbook recognizes that an American Indian prisoner is permitted to possess up to four eagle feathers in his or her individual cell, and that these feathers may be kept as loose feathers or may be bound together with string, sinew, or beaded string. The Handbook further recognizes that American Indian prisoners may possess a feather fan comprised of more than four feathers but that these items will only be permitted for group activities and will not be stored in individual cells. Attached as "Exhibit 2," and incorporated herein by reference, is WDOC's property matrix which contains similar provisions regarding the availability of eagle feathers.

4. The Handbook of Religious Beliefs states that it is a "guide" and does not necessarily reflect policies of WDOC. However, with respect to the provisions of the Handbook regarding access to eagle feathers, Defendants have stipulated to maintain those policies during the life of this Order. Based on that assurance, Plaintiff Yellowbear has agreed to dismiss his complaint.

5. The Court has been advised that the parties have also resolved Plaintiff's claim for attorney's fees pursuant to 42 U.S.C. § 1988.

6. Accordingly, the Court finds that all matters raised in Plaintiff's complaint have been resolved through this settlement and by the adoption of this consent decree, which incorporates the two WDOC policies attached hereto. Therefore, the matter may now be, and is hereby, dismissed. The Court compliments the parties for reaching a reasonable result that accommodates the spiritual needs of American Indian religious practitioners to access eagle feathers while not unduly threatening the needs of prison officials to maintain security.

Dated this 29th day of July, 2008.



Hon. Alan B. Johnson
United States District Court Judge