

**SUPREME COURT OF THE STATE OF WASHINGTON**

JOHN THOMAS ENTLER,  
  
Appellant,

v.

ERIC JACKSON, et al.,  
  
Respondents.

RESPONSE TO  
MOTION FOR A  
TEMPORARY  
INJUNCTION

Respondents respectfully submits this response to Entler’s motion for temporary injunction. Entler’s motion should be denied because no injunction is needed to preserve the status quo while this Court decides whether to grant review.

**I. STATEMENT OF THE CASE**

Entler filed a lawsuit against numerous Department of Corrections officials for violating the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) in failing to accommodate his requests for religious accommodation. The superior court granted defendants’ motion for summary judgment in full, and Entler appealed. Petition for Review,

Appendix A, at 4. The Court of Appeals affirmed, noting that Entler failed to show a substantial burden to his religious practice for any of his requested accommodations. Pet. App. A, at 7-15. Entler has filed a petition for review which is awaiting decision by this Court.

While that petition is pending, Entler has now filed a motion for temporary injunction, asking this Court to order Defendant Dawn Taylor and her “officers, agents, servants, employees, attorney’s,” etc., to immediately “accommodate [Entler’s] religious exercises.” Motion for Temporary Injunction, at 1-2. In doing so, Entler is asking this Court to grant him the ultimate relief that he seeks in this lawsuit—accommodation of his requested religious practices such as internet access, access to a private bank account, and a subsidy for his legal work, among others. Such a request does not maintain the status quo in this case and is unwarranted while this Court considers whether to grant review in this case. Entler’s motion should be denied.

## II. ARGUMENT

### A. Entler's Requested Injunctive Relief is Not Needed to Ensure Effective Review of Entler's Petition

Entler requests this Court order Defendant Dawn Taylor to grant him the unique religious accommodations at issue in this case, the same underlying relief Entler seeks through this lawsuit. Because granting Entler's requested relief in this case is not the purpose of injunctive relief under RAP 8.3, his motion should be denied.

RAP 8.3 provides in relevant part: “[T]he appellate court has authority to issue orders . . . to insure effective and equitable review, including authority to grant injunctive or other relief to a party.” “The purpose of [this] rule is to permit appellate courts to grant preliminary relief in aid of their appellate jurisdiction so as to prevent destruction of the fruits of a successful appeal.” *Wash. Fed’n of State Emps., Council 28, AFL-CIO v. State (WFSE)*, 99 Wn.2d 878, 883, 665 P.2d 1337 (1983). Put differently, the purpose is to “preserve[] the status quo in order to insure effective and equitable review.” *Id.*

As demonstrated in the Court of Appeals opinion below, the “status quo” in this case is that Entler requested various religious accommodation from Department of Corrections officials, and those requests were denied because Entler refused to provide both contact information for a religious authority and any additional description about the mandated religious practices that were unavailable to him. Pet. App. A, at 3.

The “status quo,” therefore, is that these accommodations have not been approved for Entler, and both lower courts have found that Entler has not demonstrated that this denial has caused him a “substantial burden” under RLUIPA. Pet. App. A, at 7-17. This “status quo” is not in jeopardy in the absence of an order from this Court, and granting Entler’s requested relief would do nothing to aid this Court in determining whether or not to grant review in this case. Instead, granting the requested relief would appear to moot Entler’s claims and eliminate the need for further review by this Court, as Entler would receive all the relief he seeks in this case through a “temporary injunction,” and the

Court would have effectively granted review to Entler's petition and d that Entler has succeeded on the merits of his claims. This is not the purpose of relief under RAP 8.3, and this Court should decline Entler's invitation to use RAP 8.3 in this way.

**B. Entler is Not Entitled to Injunctive Relief Because He Does Not Have a Clear Legal or Equitable Right**

Even if the Court considers the merits of Entler's motion, it would fail under the general principles governing injunctive relief. Entler fails to demonstrate the presence of a clear legal or equitable right to his requested relief, and thus his motion fails.

Injunctive relief is an extraordinary equitable remedy. *Kucera v. State, Dep't of Transp.*, 140 Wn.2d 200, 209, 995 P.2d 63 (2000). It should therefore "be used sparingly and only in a clear and plain case." *Id.* "Accordingly, injunctive relief will not be granted where there is a plain, complete, speedy and adequate remedy at law." *Id.*

[O]ne who seeks relief by temporary or permanent injunction must show (1) that he has a clear legal or equitable right, (2) that he has a well-grounded fear of immediate invasion of that right, and (3) that the

acts complained of are either resulting in or will result in actual and substantial injury to him.

*Id.* Additionally, the reviewing court must examine these criteria “in light of equity including balancing the relative interests of the parties and, if appropriate, the interests of the public.” *Id.*

Entler fails here to establish a “clear legal or equitable right” that would warrant the extraordinary remedy of an injunction. Contrary to his belief, Entler has not shown a likelihood of success on the merits; his claims were dismissed by the superior court, and this decision was affirmed by the Court of Appeals. *See* Pet. App. A. Entler also provides no real evidence but simply concludes that he has a reasonable fear of invasion of his religious rights and has suffered actual and substantial injury. Motion for Temporary Injunction, at 15-16. Such a conclusion is not enough evidence to warrant the extraordinary remedy of an injunction.

Ultimately, Entler is attempting to use the appellate rules to obtain his final requested relief in this case through a

“temporary injunction” under RAP 8.3, rather than through the required procedure of first obtaining review from this Court and then successfully arguing that his case has merit. There is no basis for this Court to circumvent its own rules in this way, particularly when Entler’s basis for the injunction is speculative and conclusory. Entler fails to present a persuasive reason for the Court to grant him any injunctive relief in this case while his petition for review is pending, and his motion should be denied

### **III. CONCLUSION**

For these reasons, Respondents respectfully requests that the Court deny Entler’s motion for temporary injunction.

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#### IV. CERTIFICATION

This document contains 1,103 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 17th day of January, 2023.

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**CERTIFICATE OF SERVICE**

I certify that on the date below I caused to be electronically filed the RESPONSE TO MOTION FOR A TEMPORARY INJUNCTION with the Clerk of the Court using the electronic filing system and I hereby certify that I have mailed by United States Postal Service the document to the following non electronic filing participant:

JOHN THOMAS ENTLER DOC #964471  
MONROE CORRECTIONAL COMPLEX-TRU  
P.O. BOX 888  
MONROE WA 98272

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 17th day of January, 2023, at Olympia,  
WA.

s/ Amy Jones  
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**CORRECTIONS DIVISION ATTORNEY GENERAL'S OFFICE**

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