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Prisoner Diet Legal Issues

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Correctional facilities every day confront the task of feeding prisoners. This is reflected in prisoners' slang description of the essentials of what they receive as "three hots and a cot." Myriad choices exist as to what to feed prisoners, and many factors can be taken into account, including budgetary constraints, prisoners with special dietary needs because of conditions like diabetes, high blood pressure, cholesterol problems, allergies, etc., religious dietary requirements, general nutritional concerns, vegetarian preferences, and the mechanics of food preparation and delivery.

Numerous lawsuits have been filed over the years by prisoners over many different aspects of this daily part of correctional life, addressing many different concerns, including the quality and quantity of the food served, special requests and medical requirements, and religious concerns. The following article reviews what the courts have said on these issues. The subjects of fasting (religious or otherwise, inmates on hunger strikes, and forced feeding of a prisoner who refuses to eat are not addressed, nor are issues relating to the consumption of wine or other substances or special food in connection with religious ceremonies.

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1. General Requirements.

Correctional institutions must not deprive prisoners of the "basic necessities of life," as to do so would violate the 8th Amendment prohibition on cruel and unusual punishment of convicted prisoners, and the 14th Amendment due process

rights of pre-trial detainees. General standards for when conditions of confinement violate the constitutional rights of prisoners were set by Bell v. Wolfish, 441 U.S. 520 (1979), and Rhodes v. Chapman, 452 U.S. 337 (1981), and subsequently further developed and clarified in Wilson v. Seiter, 504 U.S. 294 (1991). Rhodes indicates that prisoners are not entitled to luxury or "comfort" in prisons and jails, but that the running of those facilities must be conducted in a manner "compatible with the evolving standards of decency that mark the progress of a maturing society."

In Wilson, prisoners suing correctional officials for alleged violations of their constitutional rights complained about a wide variety of conditions of confinement, including alleged poor sanitation and poor food service. While the previous Rhodes case focused on making an objective evaluation of whether or not the deprivations claimed were serious enough to be deprivations of life's "necessities," Wilson addresses the issues of the state of mind on the part of prison officials or employees which must be shown in order to impose liability.

In Wilson, the Court ruled that prison officials and employees cannot be held liable for inadequate prison conditions in the absence of a showing of "deliberate indifference" to prisoners' rights as a subjective mental state. This requirement of showing deliberate indifference applies regardless of whether the prison conditions at issue are "short-term"/"one-time" or "continuing"/"systemic" conditions.

The Court noted that the "deliberate indifference" standard for liability had been applied to lawsuits over the medical care that prisoners receive, and reasoned that "the medical care a prisoner receives is just as much a 'condition' of his confinement' as the food he is fed, the clothes he is issued, the temperature he is subjected to in his cell," etc. Following Wilson, it is clear that mere negligence or accident will not be sufficient to impose liability for alleged unconstitutional conditions of confinement, one such condition being the food prisoners are fed.

2. Quality, Quantity, and Frequency.

Prisoners have filed a number of lawsuits complaining about the quality, quantity, or frequency of the food they are provided. In Young v. Quinlan, 960 F.2d 351 (3rd Cir. 1992), the court defined the "minimum" constitutional obligations of correctional officials as including adequate food. See also, Graves v. Department of Correction Employees, 827 S.W.2d 47 (Tex.App., 1992) (it may violate the constitution to deprive a prisoner of food "willingly and knowingly" if it is caused by prison officials' wanton disregard for prisoner welfare).

On the other hand, a federal appeals court found that a prisoner's lawsuit

claiming that he was improperly served his meals without the main course was properly dismissed as frivolous when he also stated that he went on **hunger** strikes. Ibarra-Villalva v. USP-Allenwood, No. 06-2723, 2007 U.S. App. Lexis 487 (3rd Cir.).

Similarly, in Freeman v. Berge, No. 05-2820, 2006 U.S. App. Lexis 7194 (7th Cir.), the court found that the alleged denial of food to a prisoner, causing him to lose 45 pounds during a 2-1/2 year period, was the result of his own refusal to obey prison rules concerning receipt of meals, and was not cruel and unusual punishment. The jury in the case had initially awarded the prisoner $50,000 in compensatory damages and punitive damages totaling $1.2 million, before the trial judge set the award aside.

On appeal, the court noted that the prisoner, who was serving a 58-year sentence for a number of violent crimes, and was in a "Supermax" facility, had meals delivered three times a day in his cell, but refused on many occasions to comply with the prison's feeding rule requiring that prisoners stand in the middle of their cell with the lights on, when meals are delivered, and then be wearing trousers or gym shorts. The prisoner, on many occasions, refused to put on pants or gym shorts, insisting on eating in his underwear, and therefore was refused a number of meals. The facility also refused to serve him when he had a sock on his head, which might be used as a weapon, depending on what was in it, when he was asleep, or when his cell walls were smeared with blood and feces that he refused to clean up. The court also noted that the weigh loss was not detrimental to his health, and he actually ended up "closer to the normal weight for a person of his height" at the end of the time period than he had been at the beginning.

In Talib v. Gilley, 138 F.3d 211 (5th Cir. 1998), the court found that a requirement that prisoners being served meals in their cells during lockdown kneel and place their hands behind their backs before food was provided was reasonably designed to protect the safety of officers. Accordingly, the withholding of approximately 50 meals over five-month period when a prisoner refused to comply did not violate his rights.

In Gardner v. Ellis, 780 F.Supp. 1073 (E.D.Va. 1991), a prisoner complained that he was only given two meals a day, with an 18-hour gap between them, in violation of the corrections department's own policies. The court rejected his claim against the warden of the facility, finding both that the prisoner suffered only "mental" damages, and that the warden had not acted with a culpable state of mind. Additionally, the prisoners subjected to this gap in the provision of meals were part of a construction unit, and when they complained, the facility arranged to give them a bag lunch, giving them another meal. The court concluded that the alleged "two meal" policy was not cruel and unusual punishment."

Similarly, in White v. Gregory, 1 F.3d 267 (4th Cir. 1993), a federal appeals court ruled that it is not cruel and unusual punishment to provide prisoners with only two meals on weekends even though three were provided during the week, since it found that no prisoner had suffered any harm from occasionally having only two meals. Also see, Berry v. Brady, #98-41179, 192 F.3d 504 (5th Cir. 1999), in which a Texas prisoner's claim that being denied eight meals over a seven-month period was "cruel and unusual punishment" was found to be frivolous when he failed to show that he had received an inadequate diet that threatened his health, and Gardner v. Beale, 780 F.Supp. 1073 (E.D. Va. 1991) (providing two, rather than three, meals per day, with an 19-hour interval between dinner and "brunch", did not constitute cruel and unusual punishment; and a meal service manual provision that prisoners would receive three meals a day did not create a constitutionally protected interest.).

What about the quality of the food presented? In Johnson v. Bruce, 771 F. Supp. 327 (Kan. 1991), a court found that serving "undercooked" chicken to prisoners was not due to any deliberate indifference by prison officials, but rather was an "isolated" incident. The standard to be applied was whether food provided is both nutritionally adequate, and provided in conditions that do not endanger the health and well-being of prisoners.

Indeed, one meal in particular may even be so unpalatable as to be inedible, in some instances, without triggering liability if it is provided inadvertently. This is illustrated by Islam v. Jackson, 782 F.Supp. 1111 (E.D.Va., 1992). In that case, the court ruled that serving one maggot infested meal provided by a vendor was not cruel and unusual punishment. While a failure to meet a prisoner's basic nutrition needs may constitute cruel and unusual punishment, in this case there was no immediate danger, and missing one meal was not critical.

While the plaintiff prisoner did get sick to his stomach, he was provided with immediate treatment, and the facility then obtained an alternate food source vendor to avoid a reoccurrence of the problem, after temporarily preparing meals in the jail's kitchen, which had previously been shut down because of an alleged failure to meet health standards. Under these circumstances, the temporary incident did not constitute deliberate indifference, the court concluded, since officials acted promptly to correct the problem once they were aware of it.

See also Blackwell v. Patten, No. C100-5364, 767 N.E.2d 310 (Ohio Com. Pl. 2001) (prisoner's claim that he was negligently served a meal in custody that contained a grasshopper did not state a viable claim under Ohio law, since he did not claim that any exception to a state statute providing immunity for governmental functions applied), Tucker v. Rose, 955 F.Supp. 810 (N.D. Ohio

1997) (occasional presence of rodents near prison food supply was insufficient basis to impose liability for violation of Eighth Amendment rights; prison took steps to exterminate pests), and Miles v. Konvalenka, 791 F.Supp. 212 (N.D. Ill. 1992) (discovery of a dead mouse in a fellow inmate's meal did not inflict cruel and unusual punishment on a prisoner; deprivation of morning coffee for all prisoners in segregation did not violate equal protection of law).

Denying prisoners "hot" meals is not a violation of prisoners' rights, if the cold meals provided are adequate nutritionally, and all needed sanitary procedures are followed in the preparation and serving of the meals. Cosby v. Purkett, 782 F.Supp. 1324 (E.D.Mo., 1992). See also, Amos v. Simmons, 82 P.3d 859 (Kan. App. 2004) (Serving a prisoner a sack lunch rather than a hot meal did not violate his rights when the food provided was nutritionally adequate and met his medical and religious needs.). In some instances, such cold meals might violate a state law or regulation, but that, by itself, will not make it a violation of constitutional rights. See Kirsch v. Endicott, 549 N.W.2d 761 (Wis. App. 1996) (providing prisoners in disciplinary segregation with cold "bag lunches" rather than hot prison meals served to general population might have, arguably, violated Wisconsin state administrative regulations, but did not violate prisoners' constitutional rights).

3. Religious Issues.

There have been a large number of federal and state lawsuits over religious issues, including demands by Jewish prisoners for kosher meals, Muslim prisoners for "halal" meals or pork-free diets, and prisoners of various other religions seeking specific religious diets, including vegetarian meals. The current applicable legal standard is that, if the denial of such requests would substantially burden an inmate's practice of his or her religion, such denials must be justified by a "compelling" governmental interest, and the denial must also be shown to be the "least restrictive means" of serving that compelling interest. Another article in this publication discusses that legal standard in detail. In many instances, that will mean that requests for religiously restricted diets will have to be honored.

Such requests, however, must be based on sincerely held religious beliefs. Occasionally, some prisoners may make such requests even though such meals are not required by the tenets of the religion they profess to follow, or simply because of their own personal preferences as to what to eat. In such instances, courts have been less willing to accommodate those prisoners. In Rayes v. Eggars, 838 F.Supp. 1372 (D. Neb. 1993), the court ruled that feeding a prisoner "nutri-loaf," which may have contained meat, did not violate his right to religious freedom when he never told prison authorities that he wanted a vegetarian diet for religious reasons, but only that he did not want to eat meat.

A Catholic prisoner was held not to be entitled to preliminary injunctive relief concerning his request for kosher meals because this was a request for a religious practice not usually associated with the Catholic faith. He failed to show that he was likely to succeed on the merits of his claim that denial of kosher meals violated his rights to religious freedom. Guzzi v. Thompson, No. 06-10874, 2007 U.S. Dist. Lexis 5132 (D. Mass.). See also, Cape v. Crossroads Correctional Center, No. 03-172, 99 P.3d 171 (Mont. 2004), in which a court ruled that a correctional facility did not violate a Catholic prisoner's freedom of religion by failing to provide him with "religious meals" of fish and unleavened bread on Ash Wednesday, Good Friday, and all Fridays during Lent. Evidence showed that Catholic Church only required that he refrain from eating meat on those days, and did not necessitate the eating of fish and unleavened bread. The facility offered the prisoner meatless meal options for those days, which adequately met the requirements of his religion.

In another case, a federal appeals court rejected the constitutional claims of a Zen Buddhist prisoner that he had improperly been denied a vegan (devoid of all animal products and byproducts) diet, when such a died was found not to be required by that religion. Spies v. Voinovich, #97-4175, 173 F.3d 398 (6th Cir. 1999). See also Dehart v. Lehman, 9 F. Supp.2d 539 (E.D. Pa. 1998) (Buddhist prisoner had no clearly established right to receive strict vegetarian diet devoid of all animal and dairy products and byproducts). Also of interest is a case in which a court rejected a prisoner's claim that the prison violated his rights by failing to feed him a diet in accord with his religious belief that he should only eat "starchless and green, leafy vegetables" when his own attached list of foods he should eat included some foods that did not constitute "starchless and green, leafy vegetables," including an assortment of legumes and beans and white potatoes. Rhone v. Lewis, #36,210-CA, 821 So. 2d 692 (La. App. 2nd Cir. 2002).

Even when a religious diet must be provided and accommodated, that does not necessarily mean responding to requests by the prisoner that are a matter of personal preference as opposed to those that are religiously mandated. In Ahmad v. Department of Correction, 845 N.E.2d 289 (Mass. 2006), for instance, the court found that prison officials were entitled to qualified immunity on a Muslim prisoner's claim that providing him with pork-free or vegetarian meals, rather than a "halal" (slaughtered according to specified rituals) meat diet was inadequate to satisfy his religious requirements, because a reasonable official could have believed that the prisoner did not have an established right to halal meat. In another case, the court found that jail officials had an objectively reasonable belief that they were not violating a Muslim prisoner's religious freedom rights by denying him a vegetarian diet and were therefore entitled to qualified immunity from liability for doing so. Kind v. Frank, No. 02-1969, 329 F.3d 979 (8th Cir. 2003).

The issue of equal treatment of differing religions also arises. In Johnson v. Simmons, No. CIV.A.02-3020, 338 F. Supp. 2d 1241 (D. Kan. 2004), A Muslim prisoner claimed that he was denied equal protection of law when prison officials failed to provide him with ritually slaughtered meat while providing kosher meals to Jewish. While his claims for damages against state prison officials in their official capacities were barred by Eleventh Amendment immunity, the reasoning of the court seemed to suggest that he might have had an arguable claim if he had sued the defendants, the Secretary of the Kansas State Department of Corrections, and the warden, in their individual capacities.

See also Hudson v. Maloney, 326 F. Supp. 2d 206 (D. Mass. 2004), ruling that there was a genuine issue of fact as to whether it would be cost prohibitive to prepare meat portion of meals for Muslim prisoners according to the "Halal" dietary restrictions as compared to the cost of preparing kosher meals for Jewish prisoners, barring summary judgment in Muslim prisoners' lawsuit. Because of existing case law, however, suggesting that prison officials sufficiently complied with Muslim prisoners' religious rights by merely providing a vegetarian or pork-free diet, the defendant prison officials were entitled to qualified immunity from liability for money damages.

In another "equal protection" case, a federal appeals court ruled that Jewish prisoners were entitled to kosher diet, but not necessarily to hot kosher meals. Providing hot pork substitutes to Muslim prisoners while serving Jewish prisoners cold kosher meals did not violate equal protection. Johnson v. Horn, #97-3581, 150 F.3d 276 (3rd Cir. 1998). For other cases discussing the right of Jewish prisoners to kosher meals, see Kahey v. Jones, 836 F.2d 948 (5th Cir. 1988), and Ward v. Walsh, 1 F.3d 873 (9th Cir. 1993).

In Muhammad v. Warithu-Deen Umar, 98 F. Supp. 2d 337 (W.D.N.Y. 2000), the court found that "Nation of Islam" members in New York state prison were not entitled to a kosher diet, even though it was being supplied to Jewish prisoners, when a pork-free "Religious Alternative Menu" provided to them was adequate to meet their nutritional and religious requirements.

The issue as to entitlement to a religious diet is that of the sincerity of the prisoner's own religious belief. It is not necessarily the case that particular officials of a specific religion, or branch of that religion would recognize him or her as a member of their congregation. In Jackson v. Mann, No. 97-2968, 196 F.3d 316 (2nd Cir. 1999), for instance, the court ruled that a prisoner who declared that he was Jewish could not be properly denied kosher food on the basis that the prison's Jewish chaplain did not recognize him as Jewish; the proper legal issue was whether his religious beliefs were sincerely held. In another case, however, a

court found that a prisoner was not entitled to a kosher diet when there was no evidence that he was Jewish, and was also not entitled to a vegetarian diet despite a prior order by a doctor that he be provided with one. The doctor's order requiring a vegetarian diet was merely because prisoner refused to eat otherwise, and was not medically required. Ramsey v. Coughlin, 1 F. Supp.2d 198 (W.D.N.Y. 1998). See also LaFevers v. Saffle, 936 F.2d 1117 (10th Cir. 1991) (if a 7th Day Adventist sincerely believes that his religious beliefs require a vegetarian diet, he may be entitled to receive one).

Even when the prisoner is entitled to a religiously mandated diet, however, that merely means that they must be provided with the minimal requirements (as well as nutritiously adequate food), not necessarily that they are entitled to the highest possible quality. In Prins v. Coughlin, #95-2458 76 F.3d 504 (2nd Cir. 1996), for instance, the court held that a Jewish prisoner could not challenge his transfer to another facility based on his dissatisfaction with the quality of the kosher food diet at the receiving facility.

Correctional facilities may properly require that prisoners comply with reasonable administrative requirements to request and receive religious diets. One court found that requiring an Orthodox Jewish prisoner to fill out a standard prison form in order to apply to receive kosher meals was not a "substantial burden" to his right to free exercise of his religion. Resnick v. Adams, #01-56710, 348 F.3d 763 (9th Cir. 2003). On the other hand, such requirements must be equally applied to persons of all religions or races. In one case, a court found that a "Liberal Catholic Church" member stated possible claim for violation of the right to equal protection based on allegation that prison chaplain required him to recertify his religious request for a vegetarian diet more frequently than African-American prisoners with similar requests were required to. Caldwell v. Caesar, 150 F. Supp. 2d 50 (D.C. 2001).

Under the current legal standard, cost alone will ordinarily not be a justification for the denial of a religiously mandated diet, nor will correctional facilities be able to pass on to the religious prisoner the purported additional expense of providing and preparing it. One court found that the intention of Iowa correctional officials to charge a co-payment for kosher meals provided to Orthodox Jewish inmates had no reasonable relationship to any legitimate penological interest in maintaining a fixed budget for food or teaching "financial responsibility" to prisoners. Accordingly, the plaintiff prisoner was entitled to summary judgment on the co-payment issue. Thompson v. Vilsack, 328 F. Supp. 2d 974 (S.D. Iowa, 2004). See also, Ashelman v. Wawrzaszek, #95-15071 111 F.3d 674 (9th Cir. 1997) (Orthodox Jewish prisoner had a right to a kosher diet; prisoner's right to free exercise of religion outweighed prison's concerns about expense and inconvenience).

In another case, a court ruled that Orthodox Jewish inmates in Colorado correctional facilities were entitled to be supplied kosher meals free of charge. A suggested 25% co-payment requirement was an impermissible burden on the exercise of religion. Beerheide v. Suthers, #00-1086, 286 F.3d 1179 (10th Cir. 2002).

Occasionally, there may be rights in conflict, as when the religiously requested diet is arguably not nutritionally adequate. In Jenkins v. Angelone, 948 F.Supp. 543 (E.D. Va. 1996), the court found that a prison had adequate reasons for refusing to supply prisoner with a vegetarian diet requested for religious reasons. That diet could have led to health problems and storage of more fresh fruit and vegetables would present a security concern that prisoners could use them to produce alcohol/mash.

Another issue that arises in the context of prisoners' religious beliefs concerning food is that of their own involvement in food preparation of meals for other prisoners, such as when a religious Jew or Muslim is assigned to a prison kitchen job, and asked to be involved in the preparation of meals containing pork or other foods which their religion forbids them to consume. In Williams v. Bitner, No. 05-1930, 2006 U.S. App. Lexis 18583 (3d Cir.), a federal appeals court ruled that the firing of a Muslim inmate cook from prison kitchen job after he refused to prepare a meal using pork, if true, violated his clearly established First Amendment rights to religious freedom. Prior cases from other federal appeals courts, the court found, provided prison officials a fair warning that their actions were unconstitutional. On the other hand, in Searles v. Dechant, No. 03-3347, 393 F. 3d 1126 (10th Cir. 2004), while the court found that a Jewish prisoner's apparently sincerely held belief that it violated his religion to work in a non-kosher prison kitchen was not entitled to lesser consideration simply because it might not be a "central" tenet of his religion, legitimate penological interests including budgetary concerns and the need for non-discriminatory prison staffing were sufficient, on limited review, to justify requiring him to accept the work assignment.

4. Health Issues.

Food provided must be adequate to maintain good health and nutrition, and it also must, if medically necessary, meet the needs of prisoners with conditions requiring special diets, such as diabetics, prisoners who have had heart attacks, etc.

One inmate's claim that he did not receive enough food and had lost nearly 60 pounds since his incarceration was found not to establish a violation of his civil rights since there was no evidence that his current weight of 190 pounds was detrimental to his health. Jacobs v. Frank, No. 06-3478, 2007 U.S. App. Lexis

5980 (7th Cir.). On the other hand, two prisoners adequately alleged that they had been harmed by allegedly nutritionally inadequate diets after their previously prescribed medical diets were revoked. Court allows claims for deliberate indifference to continue against prison dietary manager and prison doctor. Orr v. Dawson, No. CV06-53, 2006 U.S. Dist. Lexis 68943 (D. Idaho).

One method of addressing the needs of inmates with special dietary needs, however, may be attempting to serve a healthy diet to all prisoners. In one case, a court found that state prison officials did not violate diabetic prisoner's rights by requiring a prison to serve a "heart healthy" diet to all inmates. The prisoner did not show that the diet was medically improper for a diabetic or that the diet was the cause of diabetic complications he allegedly suffered. Baird v. Alameida, No. CV 02-06887, 407 F. Supp. 2d 1134 (C.D. Cal. 2005).

A prison must provide a diabetic prisoner with food with which he may eat in a manner proper for his condition. In one case, however, a court found that prison officials were not deliberately indifferent to insulin dependent prisoner's need for a proper diet in prescribing a "self-monitored" diabetic diet in which the prisoner was responsible for choosing the proper food, and he was given counseling and education on how to do so. Additionally, substitutes for certain foods for diabetic inmates were made available. Carrion v. Wilkinson, 309 F. Supp. 2d 1007 (N.D. Ohio 2004).

Diabetes or other medical conditions do not provide such prisoners with an excuse to make demands that are essentially just personal preferences. In one case, a prisoner suffering from diabetes was found not to have shown an excessive risk of harm to his health from the inclusion of pork in his prescribed diabetic diet. His doctor only included a reference to a pork-free diet because prisoner requested it and there was no evidence that the inclusion of pork threatened the prisoner's health or that the calories provided were inadequate. Hall-Bey v. Cohn, #02-3731, 86 Fed. Appx. 200 (7th Cir. 2004). Similarly, medical personnel were found not to have engaged in deliberate indifference to medical needs of an HIV positive prisoner when they refused to provide him with a specific name-brand dietary supplement he preferred to the daily dietary supplement snack he was given. Polanco v. Dworzack, 25 F.Supp.2d 148 (W.D.N.Y. 1998).

On the other hand, a dietician's alleged failure to provide diabetic prisoner with medically recommended diet after prisoner complained stated claim for violation of prisoner's Eighth Amendment rights. Taylor v. Anderson, 868 F.Supp. 1024 (N.D. Ill. 1994).

Also of interest is a case in which a prisoner who stated that he was lactose intolerant and allergic to eggs alleged sufficient facts to present a viable claim that

his Eighth Amendment rights were violated by the failure to provide him with a "therapeutic diet," and that the meals provided to him were nutritionally inadequate. Jackson v. Gordon, No. 04-2005, 145 Fed. Appx. 774 (3rd Cir. 2005).

5. "Food loaf" as punishment.

Prison food must provide adequate nutrition for health, it must accommodate sincere religious beliefs, and it must meet the medical needs of prisoners who are diabetic, lactose intolerant, or have other food-related or food sensitive medical conditions. There is no requirement that the food provided be the most pleasing in appearance.

In some instances, prisoners who have been disruptive, whether in connection with the serving of food, or otherwise, have been punished by being served what is called either "nutra-loaf" or "food loaf," a concoction created by taking the contents of normal meals, grinding or mashing it up, and forming it into a loaf of unappetizing appearance and texture.

Courts have generally upheld this practice, given that the nutritional value of the food provided, essential to preserving health, is still the same, and is adequate for that purpose, (provided, of course, that the underlying discipline is found to be proper).

See, Alex v. Stalder, No. 05-30982, 2007 U.S. App. Lexis 9921 (5th Cir.) (no 8th Amendment violation), Myers v. Milbert, 281 F. Supp. 2d 859 (N.D.W.Va. 2003) (no serious medical problems arising from use, and no order from medical personnel to stop its use), and Gates v. Huibregtse, No. 02-2887, 69 Fed. Appx. 326 (7th Cir. 2003) (diet of "nutri-loaf" as a punishment was not cruel and unusual, despite prisoner's repeated regurgitation of the food, and his alleged ultimate vomiting of blood, when nurse provided prompt medical attention in the two instances she knew of his vomiting. No hearing was required prior to imposition of a temporary "nutri-loaf" diet, since it was not an "atypical and significant hardship" in relation to the "ordinary incidents of prison life.").

Also of interest is Griffis v. Gundy, #02-1449, 47 Fed. Appx. 327 (6th Cir. 2002) (placing a prisoner on a restricted "food loaf" diet after he was disciplined for his sexual misconduct of masturbating with butter did not violate his due process rights. "Food loaf" had been shown to meet nutritional and caloric requirements for human beings and prisoner's argument that it caused his hemorrhoids to bleed days after the restriction expired was mere "speculation.").

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