

ENTERED

September 07, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JEDIDIAH ISAAC MURPHY,

Plaintiff,

v.

BRYAN COLLIER, et al.,

Defendants.

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CIVIL ACTION NO. H-23-3033

ORDER ON DISMISSAL

Jedidiah Isaac Murphy, a Texas inmate on death row, is scheduled for execution on October 10, 2023. Murphy has filed a complaint under 42 U.S.C. § 1983. Under Texas law, “[t]he body of a convict who has been legally executed shall be embalmed immediately and so directed by the Director of the correctional institutions division of the Texas Department of Criminal Justice.” Tex. Code Crim. Pro. art. 43.25. Murphy, who is Jewish, argues that the Texas embalment requirement violates his rights under the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc et. seq, and the First Amendment.

On September 7, 2023, the parties filed a joint motion to dismiss. (Docket Entry No. 10). The joint motion states that the defendants have agreed to “satisfy Murphy’s request that his body not be chemically embalmed, modified, or tampered with after his execution.” (Docket Entry No. 10 at 1). Murphy consents to the dismissal of this lawsuit “conditioned upon the . . . entry of an order dismissing this case that incorporates the terms” of the parties’ agreement. (Docket Entry No. 10 at 2). The parties’ joint motion contains

a stipulation to terms which will “allow [Murphy] to be buried in accordance with his Jewish faith.” (Docket Entry No. 10 at 3).

The court **grants** the parties’ joint motion to dismiss. (Docket Entry No. 10).

Pursuant to the parties’ joint stipulation, the court also **orders**:

- The Defendants in this matter, and their employees, agents, and contractors, will dispose of Murphy’s body in accordance with his religious faith.
- After the execution of Murphy, the defendants will not chemically embalm, modify, tamper with, add fluids to, or withdraw fluids from his body.
- Murphy’s body will be immediately turned over from the defendants’ custody to the custody of the funeral home, and defendants will inform the funeral home not to chemically embalm, modify, tamper with, add fluids to, or withdraw fluids from his body unless at his wish.
- Murphy or his family may arrange with the funeral home for either the burial of his body, or the transport of his body, however he sees fit, so as to allow him to be buried in accordance with his Jewish faith.

The complaint (Docket Entry No. 1) is **dismissed without prejudice**. All deadlines and hearings in this case are hereby terminated. Final judgment is entered by separate order.

SIGNED on September 7, 2023, at Houston, Texas.



Lee H. Rosenthal
United States District Judge