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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION**

DEMARIO ROBERTS (Inmate # 398950);
MOHAMED MOHAMED (Inmate # 384454);
JEREMY LIVINGSTON (Inmate # 381036);
and, NAIM LAO (Inmate # 400248);

Plaintiffs,

vs.

STEPHEN SINCLAIR, in his official capacity
as Secretary of the Washington Department of
Corrections;

JULIE MARTIN, in her official and individual
capacities as Deputy Secretary of the
Washington Department of Corrections;

ROBERT HERZOG, in his official and
individual capacities as Assistant Secretary of
the Prisons Division of the Washington
Department of Corrections;

BELINDA STEWART, in her official and
individual capacities as Corrections Program
Administrator of the Washington Department
of Corrections;

Civil Action No. 18-cv-_____

**COMPLAINT FOR DECLARATORY AND
EMERGENCY INJUNCTIVE RELIEF**

- 1 JAMIE DOLAN, in his official and individual
- 2 capacities as Food Services Administrator of the
- 3 Washington Department of Corrections;
- 4 BEA BLOWERS, in her individual capacity as
- 5 Assistant Food Services Administrator of the
- 6 Washington Department of Corrections;
- 7 BRYAN KING, in his individual capacity as
- 8 Assistant Food Services Administrator of the
- 9 Washington Department of Corrections;
- 10 BRAD SIMPSON, in his individual capacity as
- 11 Assistant Food Services Administrator of the
- 12 Washington Department of Corrections;
- 13 MIKE OBELAND, in his official and individual
- 14 capacities as Superintendent of the Monroe
- 15 Correctional Complex of the Washington
- 16 Department of Corrections;
- 17 JEFF UTTECHT, in his individual capacity as
- 18 Superintendent of the Coyote Ridge Corrections
- 19 Center of the Washington Department of
- 20 Corrections;
- 21 DAVID SHERMAN, in his official and
- 22 individual capacities as Head Chaplain of the
- 23 Monroe Correctional Complex of the
- 24 Washington Department of Corrections;
- 25 ERIC ASKREN, in his individual capacity as
- 26 Head Chaplain of the Coyote Ridge Corrections
- 27 Center of the Washington Department of
- 28 Corrections;
- HENRI FISCHER, in his individual capacity as
- Chaplain of the Monroe Correctional Complex
- of the Washington Department of Corrections;
- PETE MAXSON, in his official and individual
- capacities as Grievance Coordinator at the
- Washington State Reformatory of the Monroe
- Correctional Complex of the Washington
- Department of Corrections;
- LIEUTENANT ASIN, in his individual capacity
- as Lieutenant at the Washington State
- Reformatory of the Monroe Correctional
- Complex of the Washington Department of
- Corrections;

1 SERGEANT JONES, in his individual capacity
as Sergeant at the Washington State
2 Reformatory of the Monroe Correctional
Complex of the Washington Department of
3 Corrections;

4 SERGEANT ROBINSON, in his individual
capacity as Sergeant at the Washington State
5 Reformatory of the Monroe Correctional
Complex of the Washington Department of
6 Corrections;

7 SERGEANT PARKS, in his individual capacity
as Sergeant at the Washington State
8 Reformatory of the Monroe Correctional
Complex of the Washington Department of
9 Corrections;

10 SERGEANT ROSE, in his individual capacity
as Sergeant at the Washington State
11 Reformatory of the Monroe Correctional
Complex of the Washington Department of
12 Corrections; and,

13 EK, in his individual capacity as Corrections
Officer at the Washington State Reformatory of
14 the Monroe Correctional Complex of the
Washington Department of Corrections;

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16 Defendants.

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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

DEMARIO ROBERTS, MOHAMED MOHAMED, JEREMY LIVINGSTON and **NAIM LAO** (collectively “Plaintiffs”), by and through their undersigned counsel, CAIR LEGAL DEFENSE FUND (“CAIR”) and GAIRSON LAW, LLC, file this Complaint for Declaratory and Injunctive Relief against Washington Department of Corrections officials **STEPHEN SINCLAIR, JULIE MARTIN, ROBERT HERZOG, BELINDA STEWART, JAMIE DOLAN, BEA BLOWERS, BRYAN KING, BRAD SIMPSON, MIKE OBELAND, JEFF UTTECHT, DAVID SHERMAN, ERIC ASKREN, HENRI FISCHER, PETE MAXSON, LIEUTENANT ASIN, SERGEANT JONES, SERGEANT ROBINSON, SERGEANT PARKS, SERGEANT ROSE** and **EK** (collectively “Defendants”), for violations of the First, Eighth, and Fourteenth Amendments to the United States Constitution and the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. Sec. 2000cc *et seq.*, and state as follows:

Jurisdiction and Venue

1. This Court has original federal question jurisdiction over Plaintiffs’ claims of violations of the United States Constitution and the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. § 2000cc *et seq.*, pursuant to 28 U.S.C. § 1331.

2. This Court has federal question jurisdiction, pursuant to 28 U.S.C. § 1343 and 42 U.S.C. § 1983 over Plaintiffs’ civil rights claims regarding the deprivation under color of State law of rights secured by the Constitution and laws of the United States.

3. This Court has personal jurisdiction over Defendants because Defendants reside and conduct business in the State of Washington.

4. Plaintiffs’ claims for declaratory and injunctive relief are sought under 28 U.S.C. §§ 2201 and 2202, 28 U.S.C. § 1343, Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general, legal and equitable powers of this Court.

5. Plaintiffs’ claims for attorneys’ fees and costs are predicated upon 42 U.S.C. §§ 1988 and 2000cc-2(d), which authorize the award of attorneys’ fees and costs to prevailing parties, pursuant to 42 U.S.C. § 1983 and RLUIPA.

6. Plaintiffs’ claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§

1 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general, legal,
2 and equitable powers of this Court.

3 7. Venue is proper under 42 U.S.C. § 1391 as to all Defendants because Defendants
4 operate within the geographical boundaries of the State of Washington, and the substantial part of the
5 acts described herein occurred within this District.

6 **Plaintiffs**

7 8. Plaintiff Demario Roberts is an individual, a male, a Muslim and an inmate at Monroe
8 Correctional Complex (Inmate No. 398950), and was at all relevant times considered a “person
9 confined to an institution” as the term is defined in 42 U.S.C. § 2000cc *et seq.*

10 9. Plaintiff Mohamed Mohamed is an individual, a male, a Muslim and an inmate at
11 Monroe Correctional Complex (Inmate No. 384454), and was at all relevant times considered a “person
12 confined to an institution” as the term is defined in 42 U.S.C. § 2000cc *et seq.*

13 10. Plaintiff Jeremy Livingston is an individual, a male, a Muslim and an inmate at Monroe
14 Correctional Complex (Inmate No. 381036), and was at all relevant times considered a “person
15 confined to an institution” as the term is defined in 42 U.S.C. § 2000cc *et seq.*

16 11. Plaintiff Naim Lao is an individual, a male, a Muslim and an inmate at Monroe
17 Correctional Complex (Inmate No. 400248), and was at all relevant times considered a “person
18 confined to an institution” as the term is defined in 42 U.S.C. § 2000cc *et seq.*

19 **Defendants Sued in Official Capacity, Only**

20 12. Defendant Stephen Sinclair is Secretary of the Washington Department of Corrections.
21 Defendant Sinclair is the ultimate, cabinet-level decision-maker with authority to approve all
22 Washington Department of Corrections policies, including its operations, dietary and religious
23 accommodation policies for the Monroe Correctional Complex (MCC), including its Washington State
24 Reformatory (WSR), which is operated by the Washington Department of Corrections. Defendant
25 Sinclair is being sued in his official capacity, only.

26 **Defendants Sued in Both Official and Individual Capacities**

27 13. Defendant Julie Martin is the Deputy Secretary of the Office of the Deputy Secretary
28 of the Washington Department of Corrections. Defendant Martin is a decision-maker with authority

1 to approve all Washington Department of Corrections policies, including its operations, dietary and
2 religious accommodation policies for the Monroe Correctional Complex (MCC), including its
3 Washington State Reformatory (WSR), which is operated by the Washington Department of
4 Corrections. Defendant Martin personally engaged in discriminatory behavior against Plaintiffs.
5 Defendant Martin is being sued in her official and individual capacities.

6 14. Defendant Robert Herzog is the Assistant Secretary of the Prisons Division of the
7 Washington Department of Corrections. Defendant Herzog is a decision-maker with authority to
8 approve all Washington Department of Corrections policies, including its operations, dietary and
9 religious accommodation policies for the Monroe Correctional Complex (MCC), including its
10 Washington State Reformatory (WSR), which is operated by the Washington Department of
11 Corrections. Defendant Herzog personally engaged in discriminatory behavior against Plaintiffs.
12 Defendant Herzog is being sued in his official and individual capacities.

13 15. Defendant Belinda Stewart is the Corrections Program Administrator of the
14 Washington Department of Corrections. Defendant Stewart is a decision-maker with authority to
15 approve all Washington Department of Corrections policies, including its operations, dietary and
16 religious accommodation policies for the Monroe Correctional Complex (MCC), including its
17 Washington State Reformatory (WSR), which is operated by the Washington Department of
18 Corrections. Defendant Stewart personally engaged in discriminatory behavior against Plaintiffs.
19 Defendant Stewart is being sued in his official and individual capacities.

20 16. Defendant Jamie Dolan is the Food Services Administrator of the Washington
21 Department of Corrections. Defendant Dolan is a decision-maker with authority to approve all dietary
22 policies for the Monroe Correctional Complex (MCC), including its Washington State Reformatory
23 (WSR), which is operated by the Washington Department of Corrections. Defendant Dolan personally
24 engaged in discriminatory behavior against Plaintiffs. Defendant Dolan is being sued in his official and
25 individual capacities.

26 17. Defendant Mike Obeland is the Superintendent of the Monroe Correctional Complex
27 (MCC), which includes the Washington State Reformatory Unit (WSR), within the Washington
28 Department of Corrections. Defendant Obeland is a decision-maker with authority to approve all

1 MCC and WSR policies, including its operations and dietary and religious accommodation policies.
2 Defendant Obeland is also the final decision-maker regarding grievances filed by prisoners housed
3 within MCC and WSR. Defendant Obeland personally engaged in discriminatory behavior against
4 Plaintiffs. Defendant Obeland is being sued in his official and individual capacities.

5 18. Defendant David Sherman is the Head Chaplain at the Washington State Reformatory
6 (WCC) of the Monroe Correctional Complex (MCC) within the Washington Department of the
7 Corrections. Defendant Sherman is a decision-maker and possesses authority to approve and
8 implement MCC and WSR policies concerning religious accommodations, including religious services
9 and religious diets, at the facilities. Defendant Sherman is also a decision-maker regarding grievances
10 filed by prisoners housed within MCC and WSR that regard religious accommodations. Defendant
11 Sherman personally engaged in discriminatory behavior against Plaintiffs. Defendant Sherman is being
12 sued in both his official and individual capacities.

13 **Defendants Sued in Individual Capacity, Only**

14 19. Defendant Bea Blowers is an Assistant Food Services Administrator of the Washington
15 Department of Corrections. Defendant Blowers personally engaged in discriminatory behavior against
16 Plaintiffs. Defendant Blowers is being sued in her individual capacity, only.

17 20. Defendant Bryan King is an Assistant Food Services Administrator of the Washington
18 Department of Corrections. Defendant King personally engaged in discriminatory behavior against
19 Plaintiffs. Defendant King is being sued in his individual capacity, only.

20 21. Defendant Brad Simpson is an Assistant Food Services Administrator of the
21 Washington Department of Corrections. Defendant Simpson personally engaged in discriminatory
22 behavior against Plaintiffs. Defendant Simpson is being sued in his individual capacity, only.

23 22. Defendant Jeff Uttecht is the Superintendent of the Coyote Ridge Corrections Center
24 (CRCC) within the Washington Department of Corrections. Defendant Uttecht is a decision-maker
25 with authority to approve all CRCC policies, including its operations and dietary and religious
26 accommodation policies. Defendant Uttecht is also the final decision-maker regarding grievances filed
27 by prisoners housed within CRCC. Defendant Uttecht personally engaged in discriminatory behavior
28 against Plaintiff Mohamed. Defendant Uttecht is being sued in his individual capacity, only.

1 23. Defendant Eric Askren is the Head Chaplain at the Coyote Ridge Corrections Center
2 (CRCC) within the Washington Department of the Corrections. Defendant Askren is a decision-maker
3 and possesses authority to approve and implement CRCC policies concerning religious
4 accommodations, including religious services and religious diets, at CRCC. Defendant Askren is also
5 a decision-maker regarding grievances filed by prisoners housed within CRCC that regard religious
6 accommodations. Defendant Askren personally engaged in discriminatory behavior against Plaintiff
7 Mohamed. Defendant Askren is being sued in his individual capacity, only.

8 24. Defendant Henri Fischer is a Chaplain at the Washington State Reformatory of the
9 Monroe Correctional Complex within the Washington Department of the Corrections. Defendant
10 Fischer personally engaged in discriminatory behavior against Plaintiffs. Defendant Fischer is being
11 sued in his individual capacity, only.

12 25. Defendant Pete Maxson is the Grievance Coordinator at the Washington State
13 Reformatory (WSR) of the Monroe Correctional Complex (MCC) of the Washington Department of
14 Corrections. Defendant Maxson personally engaged in discriminatory behavior against Plaintiffs.
15 Defendant Maxson is being sued in his individual capacity, only.

16 26. Defendant Lieutenant Asin is a Lieutenant at the Washington State Reformatory (WSR)
17 of the Monroe Correctional Complex (MCC) of the Washington Department of the Corrections.
18 Defendant Asin personally engaged in discriminatory behavior against Plaintiffs. Defendant Asin is
19 being sued in his individual capacity, only.

20 27. Defendant Sergeant Jones is a Sergeant at the Washington State Reformatory (WSR)
21 of the Monroe Correctional Complex (MCC) of the Washington Department of the Corrections.
22 Defendant Jones personally engaged in discriminatory behavior against Plaintiffs. Defendant Jones is
23 being sued in his individual capacity, only.

24 28. Defendant Sergeant Robinson is a Sergeant at the Washington State Reformatory
25 (WSR) of the Monroe Correctional Complex (MCC) of the Washington Department of the
26 Corrections. Defendant Robinson personally engaged in discriminatory behavior against Plaintiffs.
27 Defendant Robinson is being sued in his individual capacity, only.

28 29. Defendant Sergeant Parks is a Sergeant at the Washington State Reformatory (WSR)

1 of the Monroe Correctional Complex (MCC) of the Washington Department of the Corrections.
2 Defendant Parks personally engaged in discriminatory behavior against Plaintiffs. Defendant Parks is
3 being sued in his individual capacity, only.

4 30. Defendant Sergeant Rose is a Sergeant at the Washington State Reformatory (WSR) of
5 the Monroe Correctional Complex (MCC) of the Washington Department of the Corrections.
6 Defendant Rose personally engaged in discriminatory behavior against Plaintiffs. Defendant Robinson
7 is being sued in his individual capacity, only.

8 31. Defendant EK is a Corrections Officer at the Washington State Reformatory (WSR)
9 of the Monroe Correctional Complex (MCC) of the Washington Department of the Corrections.
10 Defendant EK personally engaged in discriminatory behavior against Plaintiffs. Defendant EK is
11 being sued in his individual capacity, only.

12 **Nature of this Action**

13 32. This is an action for declaratory and injunctive relief arising under the First, Eighth and
14 Fourteenth Amendments to the Constitution of the United States, and the Religious Land Use and
15 Institutionalized Persons Act of 2000 (“RLUIPA”), and 42 U.S.C. § 1983. Plaintiffs seek costs and
16 attorneys’ fees under 42 U.S.C. § 1988.

17 33. The Monroe Correctional Complex (“MCC”) is an “institution” within the meaning of
18 42 U.S.C. § 2000cc-1(a) and 42 U.S.C. § 1997.

19 34. The Washington State Reformatory (“WSR”), where the Plaintiffs are housed, is a unit
20 within the MCC.

21 35. Defendants have not identified any compelling government interest for denying
22 Plaintiffs’ request to be placed on the Ramadan List, and their corresponding requests for a religious
23 diet that satisfies nutritional and caloric requirements during the month of Ramadan.¹

24 36. Moreover, Defendants have not identified any compelling government interest for
25

26 ¹ Ramadan is the ninth month of the Islamic Calendar, which is based on a lunar calendar.
27 Muslims worldwide are required to observe Ramadan as a month of fasting. This annual observance
28 is regarded as one of the Five Pillars of Islam. Among other things, while fasting from dawn until
sunset, Muslims refrain from consuming food, drinking liquids, smoking and sexual relations. In 2018,
Ramadan commenced on May 16, 2018 and will end on approximately June 15, 2018.

1 denying Plaintiffs' request to participate in the Ramadan Daily Prayer Program during the month of
2 Ramadan.

3 37. Defendants have failed to enforce the applicable laws, policies, directives and regulations
4 in the least restrictive means possible.

5 38. Defendants have unlawfully placed a substantial burden on the rights of Plaintiffs to be
6 free from cruel and unusual punishment and to the free exercise of religion by means that are not the
7 least restrictive means available to the correctional facilities to protect their asserted governmental
8 interest.

9 39. Defendants have imposed regulations that unreasonably subject Plaintiffs to cruel and
10 unusual punishment and that limit religious exercise, discriminate against Plaintiffs on the basis of
11 religious denomination, and treat Plaintiffs on less than equal terms with other religious and non-
12 religious similarly-situated persons.

13 **Denial of a Proper Nutritional and Caloric Intake During the Month of Ramadan**

14 40. Under State of Washington Department of Corrections Policy Directive 240.100
15 "Food Services Program," Section I.A.1.a.,² menus at correctional facilities, which include MCC and
16 WSR, are required to "meet the recommendations of the Food and Nutrition Board of the National
17 Academies' Institute of Medicine."³

18 41. Further, under State of Washington Department of Corrections Policy Directive
19 240.100 "Food Services Program," Section I.A.5.,⁴ prisoners at correctional facilities, which include
20 MCC and WSR, are required to be provided with "[a]t least 3 meals, 2 of them hot, []... at regular times

21 _____
22 ² Food Service Program, Policy # DOC 240.100, STATE OF WASHINGTON DEPARTMENT OF
CORRECTIONS (effective date April 6, 2015), available at
www.doc.wa.gov/information/policies/showFile.aspx?name=240100.

23 ³ The National Academies' Institute of Medicine ("National Academies") is mandated by
24 Congress "to assess the process, not to evaluate the substance of the [Dietary Guidelines for
Americans]." As such, the National Academies does not itself make recommendations regarding
25 food and nutrition guidelines. Rather, the National Academies assesses the Dietary Guidelines for
Americans (DGA), which is updated and released by the U.S. Department of Health and Human
26 Services and the U.S. Department of Agriculture. *See*
[http://nationalacademies.org/hmd/reports/2017/redesigning-the-process-for-establishing-the-](http://nationalacademies.org/hmd/reports/2017/redesigning-the-process-for-establishing-the-dietary-guidelines-for-americans.aspx)
27 [dietary-guidelines-for-americans.aspx](http://nationalacademies.org/hmd/reports/2017/redesigning-the-process-for-establishing-the-dietary-guidelines-for-americans.aspx).

28 ⁴ *Id.*

1 during each 24 hour day, with no more than 14 hours between the evening meal and breakfast. Holiday,
2 weekend, [and] religious...variations will be allowed, as long as basic nutritional goals are met.”

3 42. Pursuant to the “Dietary Guidelines for Americans 2015-2020” issued by the U.S.
4 Department of Health and Human Services and the U.S. Department of Agriculture (“Dietary
5 Guidelines”), Plaintiffs’ estimated calorie needs in accordance with their age, sex and physical activity
6 level ranges from 2,600 to 2,800 calories per day.⁵

7 43. Upon information and belief, Defendants provide other inmates at MCC, WSR and
8 throughout the Washington Department of Corrections facilities with approximately 2,600 to 2,800
9 calories and a balanced nutritional diet on any given day.

10 44. A Memorandum written by Defendants Belinda Stewart and Jamie Dolan entitled
11 “Ramadan 2018” and copied to Facility Chaplains, Food Service Managers, Facility Chaplains
12 Supervisors, Bea Blowers, Bryan King, Brad Simpson and Muslim Contract Chaplains, lays out the
13 Ramadan 2018 policy:

14 Anyone wishing to observe Ramadan is required to sign up in advance
15 using the 2018 Ramadan Meal Request form.
16 Ramadan participant approval will be based on participation in
17 Islamic/Muslim religious programming over the past six (6) months or
18 those currently on a halal menu. Chaplains will be responsible for
19 verifying participation. Those who do not meet one of these
20 requirements will be approved or denied at the discretion of the facility
21 Chaplain and Statewide Muslim Chaplain Derek Rasheed.

22 45. The Memorandum further states “Ramadan participants **will not** be provided any other
23 alternative meals during this time.” (Emphasis in original).

24 46. The Memorandum further requires the “sign-up form” be turned in to the facility
25 Chaplain, Defendant Sherman, by “5 pm on Tuesday, January 30, 2018.”

26 47. The Memorandum purports to have been issued to “All Incarcerated Individuals” on
27 January 16, 2018.

28 48. The Washington Department of Corrections Ramadan Meal Program provides

⁵ U.S. Department of Health and Human Services and U.S. Department of Agriculture, *2015-2020 Dietary Guidelines for Americans*, 8th Edition, December 2015. Available at: https://health.gov/dietaryguidelines/2015/resources/2015-2020_Dietary_Guidelines.pdf.

1 Muslims participating in the Ramadan Meal Program with meals that they can consume from sundown
2 to sunrise, in accordance with their sincerely-held religious beliefs.

3 49. All of the Plaintiffs requested to be added to the Ramadan List, which is a list of
4 Muslims participating in the Ramadan Meal Program that is maintained by Defendant Sherman.

5 50. However, all of the Plaintiffs were separately told by Defendant Sherman that because
6 they did not sign up for the Ramadan Meal Program during the sign-up period, their request to be
7 added to the Ramadan Meal Program was denied.

8 51. As such, none of the Plaintiffs are entitled to receive any meals during Ramadan that
9 they can consume from sundown to sunrise pursuant to their sincerely-held religious beliefs.

10 52. Moreover, none of the Plaintiffs are permitted to take food from the general meal lines
11 back to their cells to keep until the time that they are permitted to break their fast at sundown, in
12 accordance with their sincerely-held religious beliefs.

13 53. Each of the Plaintiffs are practicing Muslims, and accordingly, each of them observe
14 the Ramadan fast, in accordance with their sincerely-held religious belief that fasting the month of
15 Ramadan is a religious obligation that is compulsory for all healthy adult Muslims.

16 54. During the month of Ramadan, Muslims (including Plaintiffs) fast from sunrise to
17 sundown by, among other things, abstaining from eating and drinking. Muslims believe Ramadan is a
18 time for spiritual reflection, self-improvement, and increased devotion and worship. During the month
19 of Ramadan, Muslims are permitted to eat and drink from sundown to sunrise, only.

20 55. In accordance with their sincerely-held religious beliefs, each of the Plaintiffs began
21 fasting at the commencement of Ramadan from sunrise to sundown on May 16, 2018.

22 56. Pursuant to Defendants' policies described above, because Plaintiffs were not added to
23 the Ramadan List, none of the Plaintiffs were provided with any food to break their fast at sundown
24 during the month of Ramadan.

25 57. As a result, each of the Plaintiffs were subjected to a starvation policy where they are
26 provided with no food to eat during the time periods that they are permitted to eat during the month
27 of Ramadan in accordance with their sincerely-held religious beliefs.

28 58. Upon information and belief, other Muslim inmates observing Ramadan at MCC and

1 WSR are being subjected to the same starvation policy throughout the month of Ramadan.

2 59. Plaintiffs, and other Muslim inmates observing Ramadan at MCC and WSR, are
3 completely dependent upon MCC and WSR for food.

4 60. Defendants, *via* the Ramadan Policy, have subjected and continue to subject Plaintiffs
5 and other Muslim inmates observing Ramadan to cruel and unusual punishment, distinctive and
6 disparate treatment, and less than equal terms than inmates of other faith backgrounds by denying
7 them a proper nutritional and caloric diet on a daily basis.

8 61. Defendants, *via* the Ramadan Policy, have imposed and continue to impose a
9 substantial burden upon the rights of Plaintiffs and other Muslim inmates to the free exercise of
10 religion, and discriminate and continue to discrimination against Plaintiffs on the basis of religion or
11 religious denomination in violation of, among other things, RLUIPA. 43 U.S.C. § 2000cc(b)(2).

12 62. Defendants are capable of providing Plaintiffs and other Muslim inmates being denied
13 participation in the Ramadan program with a proper caloric and nutritional diet during the time periods
14 that they are permitted to eat during the month of Ramadan because (1) it provides other Muslim
15 inmates on the Ramadan List with a proper caloric and nutritional diet during the time periods that
16 they are permitted to eat during the month of Ramadan, and (2) it provides other inmates at its facilities
17 with a proper caloric and nutritional diet.

18 63. The substantial burden that the Defendants, *via* the Ramadan Policy, impose on
19 Plaintiffs and other Muslim inmates participating in the Ramadan fast is not necessary, or the least
20 restrictive means, to achieve any compelling state interest.

21 **Plaintiff Demario Roberts**

22 64. Plaintiff Demario Roberts signed up for both the Ramadan Meal Program and the
23 Ramadan Daily Prayer Program at the same time in January 2018 during the sign-up period.

24 65. On the first day of Ramadan, Plaintiff Roberts went to the day room in the C & D
25 Block, where the Ramadan Daily Prayer Program is held, and saw his name on the Ramadan List that
26 the Unit Sergeant had with him. As such, he was permitted to participate in the Ramadan Daily Prayer
27 Program that day.

28 66. Later that evening, after having fasted since sunrise, he returned to the day room to

1 receive his Ramadan Meal.

2 67. However, a corrections officer in charge of distribution told him that his name was not
3 on the Ramadan List, and refused to give him his Ramadan Meal.

4 68. As a result of Defendants refusing to provide Plaintiff Roberts with his Ramadan Meal
5 that evening, Plaintiff Roberts ate nothing that day.

6 69. In accordance with his sincerely-held religious beliefs, he continued fasting the next day
7 without having had anything to eat the day before.

8 70. Once again, the evening of the second day of Ramadan, Plaintiff Roberts was again
9 refused his Ramadan meal.

10 71. Plaintiff Roberts was refused several Ramadan Meals by Defendants Parks and Rose.

11 72. In fact, until the date of this filing, Plaintiff Roberts has not been provided with a single
12 meal during the entire month of Ramadan by the Defendants.

13 73. During the entire month of Ramadan – now a total of 25 days – Plaintiff Roberts has
14 been able to obtain a total of six breakfast trays (known as “breakfast boats”), which contain
15 approximately 1,300 calories each, and hide them in his cell in order to have some food to break his
16 fast at sundown on the days he obtained them.

17 74. However, as a result of “random” searches conducted by, upon information and belief,
18 Defendants Robinson, Jones and EK, four of the six breakfast trays were confiscated because Plaintiff
19 Roberts obtained them in violation of policy.

20 75. Plaintiff Roberts was recently able to order a package of food that his mother and sister
21 paid for, however the package of food will not arrive until after Ramadan concludes.

22 76. Plaintiff Roberts filed an emergency grievance with Defendant Maxson, which was
23 denied.

24 77. Plaintiff Roberts has also sent kites to Defendant Sherman through a kiosk requesting
25 to be given food to eat and to be added to the Ramadan List; however, Defendant Sherman denied his
26 requests.

27 78. Moreover, after Plaintiff Roberts sent the kites to Defendant Sherman, Defendant
28 Sherman retaliated against him by removing him from the Ramadan Daily Prayer Program.

1 79. Plaintiff Roberts has exhausted his administrative remedies.

2 80. As a result of Defendants' starvation policy, Plaintiff Roberts lost 15 pounds during
3 the first 25 days of Ramadan.

4 81. Plaintiff Roberts is suffering irreparable harm to his health, including malnutrition,
5 starvation, weight loss, severe hunger pangs, headaches, dizziness, among other things.

6 **Plaintiff Mohamed Mohamed**

7 82. Plaintiff Mohamed Mohamed signed up for both the Ramadan Meal Program and the
8 Ramadan Daily Prayer Program at the same time in January 2018 during the sign-up period.

9 83. On the Friday prior to the commencement of Ramadan, Plaintiff Mohamed saw the
10 Ramadan List posted outside the room where Muslim inmates at the facility perform their Friday
11 religious service.

12 84. The Ramadan List did not include his name.

13 85. Plaintiff Mohamed immediately sent kites through the kiosk to Defendant Sherman
14 and Sergeant Parks. He also spoke with Head Counselor Stouffer.

15 86. Plaintiff Mohamed was instructed by each of them to file a grievance.

16 87. Ms. Stouffer responded that she had resolved the issue, and his name was added to the
17 Ramadan List.

18 88. On the first day of Ramadan, Plaintiff Mohamed received his Ramadan Meal and he
19 was permitted to participate in the Ramadan Daily Prayer Program.

20 89. The following day, when Plaintiff Mohamed went to pick up his Ramadan Meal after
21 having fasted that day, he was told by Food Services staff that they were told by Defendant Sherman
22 that he was added on the Ramadan List by mistake and that he should not have received a Ramadan
23 Meal.

24 90. Accordingly, the corrections officer in charge of distribution refused to give him his
25 Ramadan Meal.

26 91. Moreover, Plaintiff Mohamed was told that if he returned to the day room in the C &
27 D Block to pick up a Ramadan Meal, he would be given an infraction.

28 92. Defendant Sherman also told Plaintiff Mohamed that if he made an exception for him,

1 he would have to make an exception for others.

2 93. As a result of Defendants refusing to provide Plaintiff Mohamed with his Ramadan
3 Meal that evening, Plaintiff Mohamed ate nothing that day.

4 94. In accordance with his sincerely-held religious beliefs, he continued fasting the next day
5 without having had anything to eat the day before.

6 95. Once again, the evening of the second day of Ramadan, Plaintiff Mohamed was again
7 refused his Ramadan meal.

8 96. In fact, until the date of this filing, Plaintiff Mohamed has not been provided with a
9 single meal during the entire month of Ramadan by the Defendants.

10 97. Plaintiff Mohamed was refused several Ramadan Meals by Defendants Parks and Rose.

11 98. After complaining to Defendant Sherman about not being given food and being added
12 to the Ramadan List, Defendant Sherman removed Plaintiff Mohamed from the Daily Ramadan Prayer
13 Program as well.

14 99. Every time Plaintiff Mohamed complained to corrections officers about being given
15 food to eat, he was told to break his fast and eat from the main meal line.

16 100. During the entire month of Ramadan, Plaintiff Mohamed was able to purchase some
17 snacks, most of which did not arrive until June 4 (21 days after Ramadan commenced), from the little
18 money he had saved.

19 101. Plaintiff Mohamed is currently rationing the snacks he purchased throughout Ramadan.

20 102. The snacks that Plaintiff Mohamed was able to purchase do not come close to meeting
21 the minimum caloric and nutritional standards under the Dietary Guidelines.

22 103. In fact, several of the days in Ramadan, Plaintiff Mohamed did not eat anything at all.

23 104. Plaintiff Mohamed filed an emergency grievance with Defendant Maxson to be given
24 food to eat and to be added to the Ramadan List, which was denied.

25 105. Plaintiff Mohamed also contacted multiple Department of Corrections with the same
26 complaints; however, Defendants did not address his complaints.

27 106. Plaintiff Mohamed was similarly denied Ramadan Meals for similar reasons during
28 Ramadan 2017 for approximately one week by Defendants Uttecht and Askren while he was housed

1 at the Coyote Ridge Corrections Center.

2 107. Plaintiff Mohamed has exhausted his administrative remedies.

3 108. As a result of Defendants' starvation policy, Plaintiff Mohamed lost 20 pounds during
4 the first 25 days of Ramadan.

5 109. Plaintiff Mohamed is suffering irreparable harm to his health, including malnutrition,
6 starvation, weight loss, severe hunger pangs, headaches, dizziness, among other things.

7 **Plaintiff Jeremy Livingston**

8 110. Plaintiff Jeremy Livingston arrived at WSR in March 2018, after the sign-up period for
9 the Ramadan Meal Program had concluded.

10 111. As soon as Plaintiff Livingston arrived at WSR, he sent a kite through the kiosk to
11 Defendant Sherman to sign up for the Ramadan Meal Program.

12 112. On the first day of Ramadan, Plaintiff Livingston went to the day room in the C & D
13 Block to receive his meal.

14 113. However, a corrections officer in charge of distribution told him that his name was not
15 on the Ramadan List, and refused to give him his Ramadan Meal.

16 114. As a result of Defendants refusing to provide Plaintiff Livingston with his Ramadan
17 Meal that evening, Plaintiff Livingston ate nothing that day.

18 115. In accordance with his sincerely-held religious beliefs, he continued fasting the next day
19 without having had anything to eat the day before.

20 116. Once again, the evening of the second day of Ramadan, Plaintiff Livingston was again
21 refused his Ramadan meal.

22 117. Several days later, Plaintiff Livingston saw his name on a list entitled "NOT ON
23 RAMADAN LIST."

24 118. In fact, until the date of this filing, Plaintiff Livingston has not been provided with a
25 single Ramadan Meal during the entire month of Ramadan by the Defendants.

26 119. Plaintiff Livingston was able to obtain and eat three breakfast boats that he hid in his
27 cell in violation of policy.

28 120. A Sergeant also gave Plaintiff Livingston small halal meals that do not meet minimum

1 caloric and nutritional standards on approximately seven days only, although these meals were a
2 violation of policy as well.

3 121. Plaintiff Livingston was also able to purchase very little snacks from the little money
4 he had saved, which he is rationing throughout Ramadan.

5 122. In a few instances, Plaintiff Livingston was able to obtain some food that other Muslim
6 inmates receiving Ramadan Meals shared with him, however as a result of “random” searches
7 conducted by, upon information and belief, Defendants Robinson, Jones and EK, some of that food
8 was confiscated because Plaintiff Livingston obtained them in violation of policy.

9 123. In total, the food that Plaintiff Livingston was able to eat do not come close to meeting
10 the minimum caloric and nutritional standards under the Dietary.

11 124. In fact, several of the days in Ramadan, Plaintiff Livingston did not eat anything at all.

12 125. Plaintiff Livingston filed an emergency grievance to be given food to eat and to be
13 added to the Ramadan List.

14 126. Defendant Asin responded within ten minutes stating that “[t]his does not constitute
15 an Emergency Complaint... an Emergency Complaint must involve serious threat to life or health of
16 an offender or potential threat to the orderly operation of a facility. This has been deemed non-
17 emergent and will be sent to Grievance Coordinator for processing.”

18 127. Approximately one week later, Plaintiff Livingston was brought to a hearing regarding
19 the grievance before Defendant Maxson, however the hearing never took place.

20 128. Defendant Livingston’s emergency grievance was ultimately denied.

21 129. Defendant Livingston sent several kites through the kiosk to several staff, including
22 Defendant Sherman.

23 130. However, Defendants did not address his complaints.

24 131. Plaintiff Livingston has exhausted his administrative remedies.

25 132. As a result of Defendants’ starvation policy, Plaintiff Livingston lost 29 pounds during
26 the first 8 days of Ramadan.

27 133. Plaintiff Livingston has suffered irreparable harm to his health, including malnutrition,
28 starvation, weight loss, severe hunger pangs, headaches, dizziness, among other things.

Plaintiff Naim Lao

1
2 134. Plaintiff Lao has never seen or received the Memorandum, nor has he ever seen the
3 sign-up sheet.

4 135. Plaintiff Lao asked a corrections officer how to sign up, but the officer did not provide
5 Plaintiff Lao with any instructions.

6 136. Like the other Plaintiffs, the corrections officer in charge of distribution told him that
7 his name was not on the Ramadan List, and refused to give him his Ramadan meals.

8 137. As a result of Defendants refusing to provide Plaintiff Lao with his Ramadan meals,
9 and as a result of Plaintiff Lao continuing to fast in accordance with his sincere religious beliefs, Plaintiff
10 Lao did not eat any food at all for eight days.

11 138. Plaintiff Lao became very light-headed, almost passed out, and his extremities felt
12 numb.

13 139. One of the other inmates had to help him balance and walk so that he doesn't pass out.

14 140. A corrections officer saw Plaintiff Lao in this condition and, instead of contacting a
15 medic, demanded that he go back to his cell.

16 141. Defendant Parks threatened Plaintiff Lao by telling him that if he refused to break his
17 fast, he would be force-fed.

18 142. Another lieutenant made similar threats that Plaintiff Lao would be strapped to a chair
19 and food would be forced down his throat if he didn't break his fast.

20 143. Plaintiff Lao told them that he wanted food, however he could only eat between
21 sundown and sunrise.

22 144. Defendant Maxson also told Plaintiff Lao to break his fast and eat from the main line.

23 145. At one point, Defendant Sherman told Plaintiff Lao "can't you survive on breakfast
24 boats for one month?"

25 146. None of the individuals that Plaintiff Lao complained to did anything to address his
26 complaints.

27 147. Moreover, during this time, Plaintiff Lao filed five emergency grievances, all of which
28 were denied.

1 148. On the eighth day, Plaintiff Lao was added to the Ramadan List and is now receiving
2 Ramadan Meals.

3 149. As a result of Defendants' starvation policy, Plaintiff Lao lost 14 pounds and fell ill.

4 150. Plaintiff Lao suffered irreparable harm to his health, including malnutrition, starvation,
5 weight loss, severe hunger pangs, headaches, dizziness, among other things.

6 **Count I**

7 **Violation of Eighth and Fourteenth Amendment to the United States Constitution**

8 **(Cruel and Unusual Punishment)**

9 151. Plaintiffs hereby reallege and incorporate by reference the foregoing paragraphs of this
10 Complaint as if fully set forth herein.

11 152. Under the Eighth Amendment, prisoners have the right to be from cruel and unusual
12 punishment.

13 153. The Eighth Amendment imposes a duty on Defendants to provide humane conditions
14 of confinement, including insuring, among other things, that prisoners receive adequate food. *See*
15 *Farmer v. Brennan*, 511 U.S. 825 (1994).

16 154. Defendants' exclusion of Plaintiffs and other Muslim inmates who observe the holy
17 fast during Ramadan from Defendants' Ramadan List has subjected Plaintiffs to a starvation diet and
18 has deprived Plaintiffs and other fasting Muslim inmates from obtaining a balanced nutritional diet
19 containing between 2,600 and 2,800 calories on any given day during Ramadan.

20 155. The daily caloric intake of Plaintiffs from all sources combined is wholly deficient and
21 substantially less than the number of calories that other inmates receive on any given day during
22 Ramadan.

23 156. Defendants, acting under color of state law, took Plaintiffs into physical police custody.
24 In doing so, they established a special custodial relationship with Plaintiffs, giving rise to affirmative
25 duties on their part to secure and ensure that Plaintiffs would be given adequate food and to secure for
26 Plaintiffs the constitutionally-protected rights identified above.

27 157. Defendants, acting under color of state law, violated Plaintiffs' above-stated
28 constitutionally-protected rights by wrongfully denying them of adequate food.

1 158. Defendants, acting under color of law, owed Plaintiffs the duty to follow, implement,
2 and comply with Washington Department of Corrections Policy Directive 240.100 which mandates
3 that all menus and meals at correctional facilities provide Plaintiffs nutritious, well-balanced and healthy
4 meals that comport with government health guidelines.

5 159. Defendants' deprivation of a balanced nutritional diet containing between 2,600 and
6 2,800 calories on any given day during Ramadan is objectively sufficiently serious in that it fails to
7 provide Plaintiffs adequate food (i.e. a humane condition of confinement), a condition that has endured
8 now for over three weeks.

9 160. Despite Plaintiffs' repeated pleas and requests for a proper nutritional and caloric diet
10 on any given day during Ramadan, Defendants failed to take adequate measures to ensure that Plaintiffs
11 were receiving adequate food.

12 161. Defendants subjectively perceived, or should have subjectively perceived, Plaintiffs'
13 complaints, regarding the inadequacy of food.

14 162. Defendants' acts and omissions were sufficiently harmful to evidence a substantial risk
15 of serious harm to Plaintiffs and other Muslim inmates observing the Ramadan fast.

16 163. Defendants' acts and omissions were sufficiently harmful to offend evolving standards
17 of decency in violation of the Eighth Amendment.

18 164. Defendant' acts and omissions in depriving Plaintiffs of a balanced nutritional diet
19 containing between 2,600 and 2,800 calories on any given day during Ramadan were such that they
20 denied Plaintiffs and other Muslim inmates the minimal civilized measure of life's necessities.

21 165. Defendants' actions while acting under color of state law, in denying Plaintiffs a
22 balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during
23 Ramadan, amounts to cruel and unusual punishment and excessive force in violation of their
24 constitutionally-protected rights as stated above.

25 166. Defendants' conduct as outlined above, was so grossly incompetent, inadequate, or
26 excessive so as to shock the conscience or to be intolerable to fundamental fairness and violates the
27 Eighth Amendment prohibition against cruel and unusual punishment.

28 167. Defendants, acting under the color of state law, authorized, tolerated, ratified,

1 permitted, or acquiesced in the creation of policies, practices, and customs, establishing a de facto
2 policy of depriving Plaintiffs and other Muslim prisoners observing the holy fast during Ramadan with
3 a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during
4 Ramadan.

5 168. Defendants' policies, customs and practices were carried out willfully and with wanton
6 disregard and with the spirit of gross negligence, were the direct and deliberate cause of constitutional
7 deprivations including Plaintiffs' rights to liberty and due process, and were the direct cause of
8 Plaintiffs' cruel and unusual punishment and excessive force.

9 169. As a direct and proximate result of these polices, practices and customs, Plaintiffs were
10 deprived of their constitutionally-protected rights as described above, by Defendants.

11 170. As a direct and proximate result of these polices, practices and customs, Plaintiffs were
12 and are forced to choose on a daily basis during the month of Ramadan whether to adhere to their
13 sincerely-held religious beliefs or sacrifice their basic nutritional needs.

14 171. As a direct and proximate result of these polices, practices and customs, Plaintiffs have
15 suffered and will continue to suffer from starvation, weight loss, severe hunger pangs, headaches,
16 dizziness, among other things.

17 172. As a result of their conduct described above, Defendants are also liable under 42 U.S.C.
18 § 1983.

19 173. Plaintiffs are entitled to a declaration that Defendants' conduct described above is a
20 violation of Plaintiffs' Eighth Amendment right to be free from cruel and unusual punishment.

21 174. Ramadan commenced on May 16, 2018 and will end on approximately June 15, 2018.

22 175. Upon information and belief, it is unlikely that this case will be resolved before
23 Ramadan concludes.

24 176. Plaintiffs are entitled to issuance of a preliminary and permanent injunction granting
25 the relief described in the Prayer for Relief below.

26 177. Plaintiffs are entitled to issuance of a preliminary and permanent injunction enjoining
27 Defendants from denying Plaintiffs a proper caloric and nutritional diet on any given day, including
28 during Ramadan.

1 178. Defendants' unlawful actions caused Plaintiffs harm and Plaintiffs are entitled to
2 injunctive and declaratory relief, compensatory and punitive damages, in addition to all such other relief
3 this Court deems just and proper including costs and attorneys' fees in this action.

4 WHEREFORE, Plaintiffs Roberts, Mohamed, Livingston and Lao request this Honorable
5 Court grant declaratory relief and injunctive relief barring Defendants from engaging in further
6 unconstitutional practices in prohibiting Plaintiffs and other fasting Muslim prisoners from receiving
7 a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during
8 Ramadan. Further, Plaintiffs request compensatory and punitive damages against the Defendants sued
9 in their individual capacity, plus all such other relief this Court deems just and proper including costs
10 and attorneys' fees incurred in this action.

11 **Count II**

12 **Violation of Religious Land Use and Institutionalized Persons Act**

13 **(Religious Exercise)**

14 179. Plaintiffs hereby reallege and incorporate by reference the foregoing paragraphs of this
15 Complaint as if fully set forth herein.

16 180. Defendants' exclusion of Plaintiffs and other Muslim inmates who observe the holy
17 fast during Ramadan from Defendants' Ramadan List and refusal to provide Plaintiffs with a balanced
18 nutritional diet containing between 2,600 and 2,800 calories on any given day in Ramadan chill
19 Plaintiffs' right to free exercise of religion.

20 181. Defendants have deprived and continue to deprive Plaintiffs of their right to the free
21 exercise of religion as secured by the Religious Land Use and Institutionalized Persons Act of 2000, 42
22 U.S.C. § 2000cc(a) et seq., by imposing and implementing an unconstitutional and discriminatory policy
23 that substantially burdens Plaintiffs' religious exercise.

24 182. Defendants' above-mentioned unlawful actions caused and continues to cause
25 Plaintiffs harm because it forces them to choose, on a daily basis between violating their core religious
26 belief (i.e. fasting during the month of Ramadan) and waiving their right to receiving a menu that meets
27 minimum nutritional standards.

28 183. Defendants have arbitrarily and unjustly prevented Plaintiffs and other fasting Muslim

1 inmates from receiving meals after sunset, thereby failing to provide a balanced nutritional diet
2 containing between 2,600 and 2,800 calories on any given day during Ramadan.

3 184. Defendants have not established a dietary policy requiring inmates of other faiths
4 participating in religious diets to receive meals that do not meet minimum nutritional standards.

5 185. The restrictions imposed on Plaintiffs and other Muslim inmates have substantially
6 burdened their religious exercise.

7 186. Defendants have imposed a substantial burden on Plaintiffs' and other fasting Muslim
8 inmates' exercise of Islam.

9 187. Imposition of such a burden is not in furtherance of a compelling government interest
10 and is not the least restrictive means of furthering any governmental interest, compelling or otherwise.

11 188. Plaintiffs are entitled to a declaration that Defendants' above-described conduct causes
12 a substantial burden to the free exercise of Plaintiffs' religion, is not justified by a compelling
13 government interest, and is in violation of RLUIPA.

14 189. Ramadan commenced on May 16, 2018 and will end on approximately June 15, 2018.

15 190. Upon information and belief, it is unlikely that this case will be resolved before
16 Ramadan concludes.

17 191. Plaintiffs are entitled to issuance of a preliminary and permanent injunction granting
18 the relief described in the Prayer for Relief below.

19 192. Defendants' unlawful actions caused Plaintiffs harm and Plaintiffs are entitled to
20 injunctive and declaratory relief, as well as compensatory and punitive damages, in addition to all such
21 other relief this Court deems just and proper including costs and attorneys' fees in this action.

22 WHEREFORE, Plaintiffs Roberts, Mohamed, Livingston and Lao request this Honorable
23 Court grant declaratory relief and injunctive relief barring Defendants from engaging in further
24 unconstitutional practices in prohibiting Plaintiffs and other fasting Muslim prisoners from receiving
25 a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during
26 Ramadan. Further, Plaintiffs request compensatory and punitive damages against the Defendants sued
27 in their individual capacity, plus all such other relief this Court deems just and proper including costs
28 and attorneys' fees incurred in this action.

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Count III

Violation of Religious Land Use and Institutionalized Persons Act

(Discrimination on the Basis of Religion)

193. Plaintiffs hereby reallege and incorporate by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

194. Defendants' above-described conduct treats Plaintiffs and other Muslim inmates observing the Ramadan fast on less than equal terms with other religious and non-religious prisoners.

195. Defendants' above-mentioned unlawful actions caused and continues to cause Plaintiffs and other Muslim inmates observing the Ramadan fast harm because it forces them to choose, on a daily basis between violating their core religious beliefs (the first requires them to fast during the month of Ramadan and the second requires them to abstain from foods that violate their religious tenets) and waiving their right to receiving a menu that meets minimum nutritional standards.

196. Defendants have deprived and continue to deprive Plaintiffs and other Muslim inmates observing the Ramadan fast of their right to be free from religious discrimination as secured by the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc(a) et seq., by imposing and implementing a policy in a manner that discriminates on the basis of religion.

197. Defendants have imposed onerous restrictions on Plaintiffs that have not been imposed on prisoners of other faith backgrounds.

198. Defendants have arbitrarily and unjustly established a policy requiring Plaintiffs and other Muslim inmates observing the Ramadan fast to receive meals that do not meet minimum nutritional standards during the month of Ramadan.

199. Defendants have not established a dietary policy requiring inmates of other faith backgrounds participating in religious diets to receive meals that do not meet minimum nutritional standards.

200. Plaintiffs are entitled to a declaration that Defendants' above-described conduct constitutes discrimination on the basis of Plaintiffs' religion, is not justified by a compelling government interest, and is in violation of RLUIPA.

1 201. Ramadan commenced on May 16, 2018 and will end on approximately June 15, 2018.

2 202. Upon information and belief, it is unlikely that this case will be resolved before
3 Ramadan concludes.

4 203. Plaintiffs are entitled to issuance of a preliminary and permanent injunction granting
5 the relief described in the Prayer for Relief below.

6 204. Plaintiffs are entitled to issuance of a preliminary and permanent injunction enjoining
7 Defendants from denying Plaintiffs a proper caloric and nutritional diet.

8 205. Defendants' unlawful actions caused Plaintiffs harm and Plaintiffs are entitled to
9 injunctive and declaratory relief, compensatory and punitive damages, in addition to all such other relief
10 this Court deems just and proper including costs and attorneys' fees in this action.

11 WHEREFORE, Plaintiffs Roberts, Mohamed, Livingston and Lao request this Honorable
12 Court grant declaratory relief and injunctive relief barring Defendants from engaging in further
13 unconstitutional practices in prohibiting Plaintiffs and other fasting Muslim prisoners from receiving
14 a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during
15 Ramadan. Further, Plaintiffs request compensatory and punitive damages against the Defendants sued
16 in their individual capacity, plus all such other relief this Court deems just and proper including costs
17 and attorneys' fees incurred in this action.

18 **Count IV**

19 **Violation of First and Fourteenth Amendment to the United States Constitution**

20 **(Free Exercise of Religion)**

21 206. Plaintiffs hereby reallege and incorporate by reference the foregoing paragraphs of this
22 Complaint as if fully set forth herein.

23 207. Defendants' above-mentioned unlawful actions caused and continues to cause
24 Plaintiffs harm because it forces them to choose, on a daily basis between violating their core religious
25 beliefs (the first requires them to fast during the month of Ramadan and the second, requires them to
26 abstain from foods that violate their religious tenets) and waiving their right to receiving a menu that
27 meets minimum nutritional standards.

28 208. Defendants' above-mentioned unlawful actions chill Plaintiffs' right to free exercise of

1 religion.

2 209. Defendants have deprived and continue to deprive Plaintiffs of their right to free
3 exercise of religion as secured by the First Amendment to the United States Constitution, made
4 applicable to the States by the Fourteenth Amendment to the United States Constitution, by imposing
5 and implementing a Ramadan Exclusion Policy that substantially burdens Plaintiffs' religious exercise.

6 210. Defendants have arbitrarily and unjustly required Muslim inmates to receive meals that
7 do not meet minimum nutritional standards during the month of Ramadan.

8 211. Defendants have not established a dietary policy requiring inmates of other faiths
9 participating in religious diets to receive meals that do not meet minimum nutritional standards.

10 212. The restrictions imposed on Plaintiffs and other Muslim inmates observing the
11 Ramadan fast have imposed a substantial burden on their exercise of Islam.

12 213. Imposition of such a burden is not in furtherance of a compelling government interest
13 and is not the least restrictive means of furthering any governmental interest, compelling or otherwise.

14 214. Plaintiffs are entitled to a declaration that Defendants' above-described conduct causes
15 a substantial burden to the free exercise of Plaintiffs' religion, is not justified by a compelling
16 government interest, and is in violation of Plaintiffs' First and Fourteenth Amendment rights to their
17 free exercise of religion.

18 215. Ramadan commenced on May 16, 2018 and will end on approximately June 15, 2018.

19 216. Upon information and belief, it is unlikely that this case will be resolved before
20 Ramadan concludes.

21 217. Plaintiffs are entitled to issuance of a preliminary and permanent injunction granting
22 the relief described in the Prayer for Relief below.

23 218. Plaintiffs are entitled to issuance of a preliminary and permanent injunction enjoining
24 Defendants from denying Plaintiffs and other Muslim inmates observing the Ramadan fast a proper
25 caloric and nutritional diet.

26 219. Defendants' unlawful actions caused Plaintiffs harm and Plaintiffs are entitled to
27 injunctive and declaratory relief, compensatory and punitive damages, in addition to all such other relief
28 this Court deems just and proper including costs and attorneys' fees in this action.

1 WHEREFORE, Plaintiffs request that this Honorable Court enter judgment in their favor and
2 against Defendants on each and every count in this Complaint, and enter an Order awarding the
3 following relief:

4 1. A declaratory judgment that:

5 a. Defendants' Ramadan policies, practices, and customs violate the First, Eighth and
6 Fourteenth Amendments to the Constitution of the United States, the Religious
7 Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), and 42 U.S.C. §
8 1983;

9 b. Defendants' conduct and policy constitutes cruel and unusual punishment in
10 violation of the Eighth Amendment to the United States Constitution;

11 c. Defendants' denial of a balanced nutritional diet containing between 2,600 and
12 2,800 calories on any given day during Ramadan constitutes a violation of the First
13 Amendment to the United States Constitution and creates a chilling effect on
14 Plaintiffs' free exercise of religion;

15 d. Defendants' denial of Plaintiffs' request for a balanced nutritional diet containing
16 between 2,600 and 2,800 calories on any given day during Ramadan is a substantial
17 burden to the free exercise of Plaintiffs' religion and is not justified by a compelling
18 government interest;

19 e. Defendants' conduct and policy treats these prisoners on less than equal terms with
20 other religious and non-religious prisoners;

21 2. An injunction that:

22 a. Enjoins Defendants from refusing to place Muslim inmates on the Ramadan list;

23 b. Enjoins Defendants from denying Plaintiffs and other fasting Muslim inmates a
24 balanced nutritional diet containing between 2,600 and 2,800 calories on any given
25 day during Ramadan, because Defendants' denial of the proper caloric and
26 nutritional diet forces Plaintiffs, who have a religious basis for fasting during the
27 month of Ramadan, to choose, on a daily basis, between violating their core
28 religious beliefs (i.e.: fasting during the month of Ramadan and abstaining from

1 foods that violate their beliefs) and receiving a menu that meets minimum
2 nutritional standards;

3 c. Requires Defendants to remedy the constitutional and statutory violations
4 identified above, including, but not limited to, eliminating any existing policy
5 whereby Plaintiffs and other Muslim prisoners, and others similarly-situated, are
6 denied a balanced nutritional diet containing between 2,600 and 2,800 calories on
7 any given day during Ramadan;

8 3. An award of compensatory and punitive damages against the individual capacity
9 defendants, only, pursuant to 42 U.S.C. § 1983.

10 4. An award of attorneys' fees, costs, and expenses of all litigation, pursuant to 42 U.S.C.
11 § 1988; and,

12 5. Such other and further relief as the Court may deem just and proper.

13 **JURY DEMAND**

14 NOW COME Plaintiffs, by and through their undersigned counsel, and hereby demand a jury
15 trial of the above-referenced causes of action so triable.

16 Respectfully submitted,

17 **CAIR LEGAL DEFENSE FUND**

18 By: /s/ Lena F. Masri
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Attorneys for Plaintiffs

Dated: June 10, 2018