

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

MITCHELL YOUNG, Inmate # 1399969
DESMOND HORTON, Inmate # 72575
DOMINIC ROBERTSON, Inmate # 43563
CHRIS MAYO, Inmate # 65329

Plaintiffs,

vs.

JEFFREY L. NEWTON, CJM,
Superintendent, Riverside Regional Jail, in his
official and individual capacities;

JOE COLLINS, Senior Chaplain, Riverside
Regional Jail, in his official and individual
capacities;

KEITH, Food Service Supervisor, Riverside
Regional Jail, in his official and individual
capacities;

CAPTAIN DONALD LANGLEY, CJM,
Chief of Security, Riverside Regional Jail, in his
official and individual capacities; and,

CAPTAIN LAURA GRAY, CJM, Chief of
Programs, Riverside Regional Jail, in her official
and individual capacities;

RIVERSIDE REGIONAL JAIL,

Defendants.

Case No. 1:18-cv-00851-AJT-JFA

**SECOND AMENDED COMPLAINT FOR
DECLARATORY, INJUNCTIVE AND
MONETARY RELIEF**

JURY TRIAL DEMANDED

Hon. Anthony J. Trenga

**SECOND AMENDED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs **MITCHELL YOUNG, DESMOND HORTON, DOMINIC ROBERTSON**
and **CHRIS MAYO** (collectively "Plaintiffs"), by and through their undersigned counsel, CAIR
LEGAL DEFENSE FUND ("CAIR"), file this Second Amended Complaint for Declaratory and

Injunctive Relief against Defendants **JEFFREY L. NEWTON, CJM, JOE COLLIINS, KEITH, CAPTAIN DONALD LANGLEY, CJM, CAPTAIN LAURA GRAY, CJM,** and **RIVERSIDE REGIONAL JAIL** (collectively “Defendants”), for violations of the First, Eighth, and Fourteenth Amendments to the United States Constitution, and religious guarantees under the Virginia Constitution and the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. Sec. 2000cc *et seq.*, and pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 1983, and state as follows:

INTRODUCTION

1. The Defendants’ actions here amount to a multi-pronged effort to disfavor Muslim inmates and their spiritual needs over those inmates of other faiths. Indeed, the Defendants have gone so far as to create religiously segregated spaces for those who promise to live their lives in accordance with the Bible.

2. The Defendants have just recently created this “God Pod,” what inmates have taken to calling a part of Riverside Regional Jail reserved for inmates who agree to study the Bible and live in accordance with biblical principles.

3. The Defendants have also effectively starved some Muslim inmates during Ramadan by not providing them meals before sunrise and after sunset to allow Muslim inmates to observe Ramadan’s fast.

4. And while the Defendants have dedicated space, time, and resources to tend to the religious needs of some inmates, they have failed to provide Muslim inmates with the opportunity to participate in Islamic programming.

5. These actions are not the result of ignorance or ineptitude but a part of the Defendants deliberate plan to prefer another faith over Islam. Indeed, Defendant Joe Collins—who volunteers with Riverside Regional Jail but is also employed by an outside group dedicated to evangelizing to inmates—has created a systematic preference against Islam and Muslim inmates at the facility.

JURISDICTION AND VENUE

6. This Court has federal question jurisdiction over Plaintiffs' claims of 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. § 2000cc et seq., pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343, and 42 U.S.C. § 1983.

7. This Court has supplemental jurisdiction over Plaintiffs' claims for violations of Virginia law pursuant to 28 U.S.C. § 1367.

8. This Court has personal jurisdiction over Defendants because Defendants reside and conduct business in the Commonwealth of Virginia.

9. 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.

10. 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.

11. Venue is proper under 42 U.S.C. § 1391 as to all Defendants because Defendants operate within the geographical boundaries of the Commonwealth of Virginia, and the substantial part of the acts described herein occurred within this District.

PLAINTIFFS

12. Plaintiff Mitchell Young is an individual, a male, a Muslim and a former inmate at Riverside Regional Jail (Inmate No. 37461). He was at all relevant times considered a "person confined to an institution" as the term is defined in 42 U.S.C. § 2000cc *et seq.* Plaintiff Young is currently incarcerated at Nottoway Correctional Center in Burkeville, Nottoway County, Virginia (Inmate No. 1399969).

13. Plaintiff Desmond Horton is an individual, a male, a Muslim and an inmate at Riverside Regional Jail (Inmate No. 72575). He was at all relevant times considered a “person confined to an institution” as the term is defined in 42 U.S.C. § 2000cc *et seq.*

14. Plaintiff Dominic Robertson is an individual, a male, a Muslim and an inmate at Riverside Regional Jail (Inmate No. 43563). He was at all relevant times considered a “person confined to an institution” as the term is defined in 42 U.S.C. § 2000cc *et seq.*

15. Plaintiff Chris Mayo is an individual, a male, a Muslim and a former inmate at Riverside Regional Jail (Inmate No. 65329). He was at all relevant times considered a “person confined to an institution” as the term is defined in 42 U.S.C. § 2000cc *et seq.* Plaintiff Mayo was released on October 26, 2018 and currently resides within this district.

DEFENDANTS

16. Defendant Jeffrey L. Newton, CJM, is the Superintendent of Riverside Regional Jail (“Riverside”) who is a decision-maker and possesses authority to formulate, establish and approve all policies, programs and procedures concerning Riverside during the time of Plaintiffs’ confinement at Riverside. Defendant Newton personally engaged in discriminatory behavior against Plaintiffs. Defendant Newton is being sued in both his official and individual capacities.

17. Defendant Joe Collins is the Senior Chaplain at Riverside. Upon information and belief, Defendant Collins is an independent contractor who is employed by Good News Jail and Prison Ministry (“Good News”), a Virginia corporation (SCC ID: 00920777). Defendant Collins is a decision-maker and possesses authority to formulate, establish and approve all Riverside’s policies, programs and procedures concerning religious services, programs and accommodations at the facility, including Ramadan and common fare accommodations and eligibility, religious programs and instruction, and access to religious leaders and materials. Defendant Collins personally engaged in discriminatory behavior against Plaintiffs. Defendant Collins is being sued in both his official and

individual capacities.

18. Defendant Keith is the Food Service Supervisor at the Riverside. Defendant Keith is a decision-maker and possesses authority to formulate, establish and approve all policies, programs and procedures pertaining to food service for inmates, including the Ramadan and common fare menu items, meal temperatures, meal timing and food delivery to inmates. Defendant Keith is also responsible to ensure that all food is prepared according to menus that meet the National Academy of Sciences Recommended Daily Allowances. Defendant Keith personally engaged in discriminatory behavior against Plaintiffs. Defendant Keith is being sued in both his official and individual capacities.

19. Defendant Captain Donald Langley, CJM, is the Chief of Security at Riverside. Defendant Langley is a decision-maker and possesses authority to formulate, establish and approve all policies, programs and policies concerning food delivery to inmates, including logistics pertaining to Ramadan and common fare meal delivery to inmates. Defendant Langley personally engaged in discriminatory behavior against Plaintiffs. Defendant Langley is being sued in both his official and individual capacities.

20. Defendant Captain Laura Gray, CJM, is the Chief of Programs at Riverside. Defendant Gray is a decision-maker and possesses authority to formulate, establish and approve all policies, programs and policies concerning programming for inmates, including religious instruction and common fare eligibility. Defendant Langley personally engaged in discriminatory behavior against Plaintiffs. Defendant Langley is being sued in both his official and individual capacities.

21. Defendant Riverside Regional Jail is an official government institution located at 500 Folar Trail, N Prince George, VA 23860.

NATURE OF THIS ACTION

22. This is an action for declaratory and injunctive relief arising under the First, Eighth and Fourteenth Amendments to the Constitution of the United States, and the Religious Land Use and

Institutionalized Persons Act of 2000 (“RLUIPA”), and 42 U.S.C. § 1983. Plaintiffs seek costs and attorneys’ fees under 42 U.S.C. § 1988.

23. Riverside Regional Jail is an “institution” within the meaning of 42 U.S.C. § 2000cc-1(a) and 42 U.S.C. § 1997.

24. Defendants have unlawfully endorsed and signaled a message of favor of the Bible lessons and Christian doctrine espoused by Good News Jail & Prison Ministry (“Good News”) by contracting with the organization for the purpose of and by allowing it to:

- a. Evangelize the inmates and encourage adherence to Christianity;
- b. Create a “God Pod” that houses inmates of all faith backgrounds that pass a selection process for the purpose of subjecting them to a rigorous program that incentivizes them to adhere to Christianity;
- c. Provide the inmates housed in the “God Pod” with Christian religious materials and writing utensils, including brand new leather bound Bibles with gold leaf edged pages;
- d. Make available to inmates of all faith backgrounds Bible lessons on a biweekly basis; and,
- e. Offer a program for Christian inmates to participate in to learn how to use the Bible for self healing.

25. Defendants have unlawfully disfavored and signaled a message of condemnation against Islam, Plaintiffs’ religion, and other faith backgrounds by allowing the Senior Chaplain, who is employed by Good News, to:

- a. Prevent Muslim inmates and inmates of other faith backgrounds from participating in any religious lessons or programs that teach their faith;
- b. Deny Muslim inmates access to Muslim religious leaders that volunteered to

- provide them regular Islamic lessons;
- c. Not provide Muslim inmates and inmates of other faith backgrounds with any religious materials and writing utensils;
 - d. Exclude Muslim inmates and inmates of other faith backgrounds who wish to practice their own faith from the “God Pod”; and,
 - e. Not provide inmates housed in the “God Pod” with Islamic materials or religious materials regarding other faith backgrounds.

26. Defendants have arbitrarily and unlawfully denied Plaintiffs, and Muslims similarly situated, a religious diet that satisfies nutritional and caloric requirements during the month of Ramadan¹, and have not identified any compelling government interest compelling them to provide Plaintiffs with meals that do not comport with minimum nutritional and caloric guidelines.

27. Defendants have unlawfully subjected two of the four Plaintiffs to a religious test that assesses the sufficiency of their beliefs in Islam in order to determine their eligibility for the religious diet common fare menu. Defendants have further made an unlawful determination regarding the sufficiency of Plaintiffs’ answers and beliefs.

28. Defendants have not identified and cannot identify any compelling government interest to favor Christianity over Islam, to discriminate against Plaintiffs and other Muslim inmates similarly situated, to substantially burden the free exercise of Plaintiffs and other Muslim inmates similarly situated, or to subject Plaintiffs and other Muslim inmates similarly situated to cruel and unusual punishment.

29. Defendants have unlawfully violated Plaintiffs’ rights to be free from discrimination on

¹ Ramadan is the ninth month of the Islamic Calendar, which is based on a lunar calendar. Muslims worldwide observe Ramadan as a month of fasting. This annual observance 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 ended on approximately June 15, 2018.

the basis of their religion, to the free exercise of religion, and to be from cruel and unusual punishment, by means that are not the least restrictive means available to the correctional facilities to protect their asserted governmental interest.

RELIGIOUS POLICIES AND PRACTICES OF RIVERSIDE REGIONAL JAIL

“The God Pod”

Riverside Regional Jail Favors and Endorses Christianity by Creating a Pod to Evangelize and Indoctrinate Inmates to Christianity

30. Upon information and belief, Riverside Regional Jail (“Riverside”) contracts with Good News Jail and Prison Ministry (“Good News”) to obtain the services of Defendant Collins as Senior Chaplain of the facility.

31. Upon further information and belief, Good News employs Defendant Collins as a chaplain so that he can work at Riverside on a volunteer basis.

32. As Senior Chaplain of the facility, Riverside has authorized Defendant Collins to formulate, establish and approve policies regarding religious services and religious accommodations in the facility for inmates of all faith backgrounds.

33. As such, any requests by inmates, including Plaintiffs and similarly situated Muslims, for religious services and/or religious accommodations must be approved by Defendant Collins.

34. In line with his responsibilities as a Good News chaplain placed in Riverside, Defendant Collins is tasked with implementing the vision, mission and purpose of Good News within the facility.

35. According to the Good News website², the stated vision of Good News is “[t]o reach every inmate in the world with the Good News of Jesus Christ that they might become growing disciples.”

36. Moreover, according to their website, the stated mission of Good News is “[t]o place

² Available at: <https://goodnewsjail.org/why-were-here/>

Christian chaplains in jail and prisons to minister to the spiritual needs of inmates and staff ... The chaplain serves as an evangelist ... to those who are incarcerated and the staff who guard and protect them.”

37. The stated purpose of Good News is:

To be used of the Lord in correctional facilities for:

- Effective Evangelism – sharing the clear message of the Gospel
- Biblical Discipleship – equipping believers to be devoted followers of Christ
- Church Mobilization – challenging the church and community to partner in ministry to meet the needs of inmates.

38. Consistent with the vision, mission and purpose of Good News, Defendant Collins has established Bible lessons titled “Good News” that are open to all inmates of all faith backgrounds; while, simultaneously preventing inmates from receiving any religious instruction regarding other faiths.

39. In fact, Good News classes are offered two times a week every week to all inmates of all faith backgrounds.

40. Additionally, a separate two-week program was recently offered to Christian inmates to teach them how to use the Bible for self-healing.

41. Within the last few weeks, Riverside launched a program titled the “Life Learning Program” that is conducted by several chaplains employed by Good News.

42. The Life Learning Program is a rigorous program whereby inmates of all faith backgrounds are given:

... the opportunity to learn Biblical based life-skills and put them into practice so you may experience lasting changes in your life. In addition to following the general rules which apply to all inmates in the facility, if you enter this program you must agree to additional *Life Learning Program* rules.

43. In order to join the program, inmates are required to submit an application and sit for an interview with someone from Defendant Collin’s office.

44. Inmates who join the program are also required to commit to adhere to “the Life Learning Program Philosophy and Rules,” “[s]upport and abide by the philosophy of the program,” and “[s]eek to live by the principles [the participating inmates] adopt upon leaving the Program.”

45. By submitting the application, inmates are also required to confirm that they:

... understand that the Life Learning Program:

- Is open to inmates of any faith group
- Is based on diligent study of biblical principles
- Is designed to help offenders, through a biblical and spiritual perspective, to change thoughts, attitudes and actions
- Is intended to encourage personal responsibility and accountability through the application of these biblical principles.

46. Some of the questions on the application that the inmates requesting to join the Life Learning Program must answer include “[h]ow do you think studying biblical principles might help you change?”; “[d]o you have a strong desire to read, study, prepare written assignments and interact positively with others in a Biblical group setting?”; and “[a]re you interested in what the Bible says about... “[l]earning problem solving skills,” “[l]earning decision making skills,” “[l]earning how to make friends,” [f]eeling less alone in the world,” and “learning how to forgive,” among numerous others.

47. Upon information and belief, Defendant Collins approves the final list of inmates admitted to the Life Learning Program.

48. Upon information and belief, approximately 30-40 inmates have been chosen as of this date to participate in the Life Learning Program.

49. The chosen inmates were relocated to a newly renovated pod³ that is designated as a Christian pod – which the Riverside inmates colloquially refer to as the “God Pod” – for the purpose of implementing the Life Learning Program.

³ The pod is located in Building 5, next to other pods that are also designated for programming purposes, such as drug rehabilitation and other therapeutic programs.

50. Upon information and belief, inmates in the God Pod are given at least three Bible lessons per day as well as other programming.

51. Additionally, the inmates in the God Pod are given brand new religious materials every week, including leather bound Bibles with gold leaf edged pages, and writing utensils.

52. The inmates in the God Pod are also locked down for significantly less time each day than all other inmates at Riverside.

53. On the other hand, each of the Plaintiffs – all of whom are Muslim – have requested to participate in classes that teach their Islamic faith throughout their incarceration at Riverside.

54. Multiple Muslim chaplains have also offered to volunteer their time to provide Islamic lessons to Muslim inmates.

55. However, Defendant Collins has denied Plaintiffs' requests and has prevented Muslim chaplains from providing regular Islamic lessons.

56. Throughout all of 2018, Defendant Collins has allowed a Muslim chaplain to offer Plaintiffs a total of two Islamic lessons.

57. Good News classes are the only religious classes regularly provided in the facility.

58. Moreover, Plaintiffs, other Muslim inmates, and inmates of other faith backgrounds are not given religious materials or writing utensils to allow them to study their faith.

59. Each of the Plaintiffs filed grievances regarding the denial of their right to participate in Islamic lessons and have exhausted their grievances in accordance with Riverside Policy Directive 16.01.003, Inmate Rights and Grievances.

60. By allowing Defendant Collins to provide Good News classes and to prevent Plaintiffs and similarly situated Muslims from attending Islamic lessons, Riverside has adopted and endorsed the actions of Defendant Collins, in violation of Plaintiffs' rights under the United States Constitution and RLUIPA.

61. Accordingly, Riverside has unlawfully signaled a message of endorsement of Christianity, and a message of disfavor and condemnation of Plaintiffs' religion of Islam.

62. Further, Riverside has unlawfully discriminated against and treated Plaintiffs and similarly situated Muslims on less than equal terms than other Christian inmates and non-religious inmates on the basis of their Islamic faith.

63. Finally, Riverside has unlawfully substantially burdened Plaintiffs' free exercise of their Islamic faith, as well as the Islamic faith of similarly situated Muslims.

Riverside's Policy of Denying Plaintiffs and Other Muslim Inmates a Proper Nutritional and Caloric Intake During the Month of Ramadan

64. Plaintiffs observe the Ramadan fast, in accordance with their sincerely-held religious belief that fasting during the month of Ramadan is a religious obligation that is compulsory on all healthy adult Muslims.

65. During the month of Ramadan, Muslims fast from sunrise to sundown by, among other things, abstaining from eating and drinking. Muslims believe Ramadan is a time for spiritual reflection, self-improvement, and increased devotion and worship.

66. During the month of Ramadan, Muslims are permitted to eat and drink from sundown to sunrise.

67. Defendants have created and implemented a Ramadan Policy to accommodate fasting Muslim inmates, but their Ramadan Policy is deficient in terms and practice.

68. In order to ensure that Plaintiffs receive their meals before sunrise and after sundown, as opposed to regular meal times, Plaintiffs, along with other Muslim inmates, submitted a written application to Defendants to eat from the Ramadan menu.

69. Upon information and belief, Defendant Collins approved which inmates, including Plaintiffs, would be added to the list of Muslims permitted to receive Ramadan meals pursuant to the

Ramadan menu (hereinafter “Ramadan List”) and the Ramadan Meal Menu.

70. Upon information and belief, pursuant to the Ramadan Policy, Defendants do not permit Muslim inmates participating in the Ramadan fast, including Plaintiffs, to eat any food from the regular meal line that other inmates eat at.

71. Upon information and belief, pursuant to the Ramadan Policy, Defendants do not permit Muslim inmates participating in the Ramadan fast to keep any food in their cells or eat any food other than the food that is provided to them at the time the food is provided to them by Defendants.

72. Accordingly, Plaintiffs and other Muslim inmates participating in the Ramadan fast, are completely dependent upon the Defendants to provide them with food.

73. Each of Plaintiffs’ requests to be added to the Ramadan List to eat from the Religious Ramadan menu were approved with the exception of Plaintiff Mayo.

74. Plaintiff Mayo converted to Islam shortly after Ramadan commenced in 2018, approximately half way through the month of Ramadan.

75. Accordingly, upon converting to Islam, Plaintiff Mayo immediately submitted a request to be added to the Ramadan list so that he could fast the remaining days of the month of Ramadan in accordance with his sincerely-held beliefs.

76. However, Defendant Collins denied Plaintiff Mayo’s request on the basis that Ramadan had already commenced and his application was submitted too late.

77. As such, Plaintiff Mayo was not permitted to receive any Ramadan meals during the remaining days of Ramadan that he was required to fast pursuant to his sincerely-held beliefs.

78. As a result, Defendants did not provide Plaintiff Mayo with any food at all during the remaining days of Ramadan.

79. Under Riverside Regional Jail Policy Directive 12.2.001, Facility Dietary Allowance

and Menu Evaluations, Defendants are required to comply with the nutritional and caloric standards set forth by the Virginia Department of Corrections, 6VAC15040-550, which requires that menus “meet[] the dietary allowances as stated in the Recommended Daily Allowances, National Academy of Sciences” and “[m]odifications in menus are based on inmates’ medical or reasonable religious requirements.”

80. Riverside Regional Policy Directive 12.2.001 further requires inmates be fed meals “three (3) times each twenty-four (24) hour period, two (2) of which will be hot.”

81. Riverside Regional Policy Directive 12.03.004, Special Diets, further requires inmates requesting special diets, which includes religious diets, also be provided with menus that comply with the National Academy of Sciences Recommended Daily Allowances.

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

83. Upon information and belief, during Ramadan, Defendants did not and do not provide Muslim inmates who were added to the Ramadan list, including Plaintiffs, a balanced nutritional and caloric diet on any given day during Ramadan. (This policy will hereinafter be referred to as the “Ramadan Policy.”)

84. Upon information and belief, Defendants provide other inmates at Riverside between 2,600 and 2,800 calories and a balanced nutritional diet on any given day.

85. Upon information and belief, pursuant to the Ramadan Policy, Defendants provide Muslim inmates participating in the Ramadan fast, including Plaintiffs Young, Robertson and Horton,

⁴ 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.

with one bagged meal in the morning before sunrise that contains between 300 and 700 calories depending on the day.

86. Upon further information and belief, also pursuant to the Ramadan policy, Defendants are to provide Muslim inmates participating in the Ramadan fast, including Plaintiffs Young, Robertson and Horton, with one bagged meal and one hot meal every evening after sunset that together range from approximately 1,400 to 1,500 calories per day, depending on the day.

87. Together, the morning meal and evening meals are substantially lower than the number of calories that Plaintiffs require in accordance with their age, sex and physical activity level under the “Dietary Guidelines for Americans 2015-2020.”

88. Even still, for not less than 20 of the 30 days of Ramadan in 2018, Defendants did not bring the morning meals to Plaintiffs Young, Robertson, Horton or other Muslim inmates on the Ramadan list until after sunrise; and therefore, Plaintiffs Young, Robertson, Horton and other Muslim inmates on the Ramadan list were forced to forego those meals in accordance with their sincerely-held religious beliefs, which requires them to abstain from food or drink from sunrise to sunset during the month of Ramadan.

89. On the days during Ramadan that Defendants did not bring Plaintiffs Young, Robertson, Horton and other Muslim inmates on the Ramadan list their meals before sunrise, Defendants refused to supplement Plaintiffs’ evening meals with additional food despite repeated pleas and grievances by Plaintiffs Young, Robertson and Horton.

90. As a result, on those days, Plaintiffs Young, Robertson, Horton and other Muslim inmates on the Ramadan list received even less calories than the already low amount they are given.

91. In fact, on those days, the nutritional and caloric intake of the Ramadan meals given to them by Defendants was approximately half the number of calories that other inmates receive on any given day.

92. Upon information and belief, the Ramadan meal distribution was coordinated by Defendant Langley.

93. Defendant Langley allowed Ramadan meal distribution to only those inmates that were approved to be added to the Ramadan list by Defendant Collins.

94. By requesting to eat from the Ramadan menu, Plaintiffs, along with other Muslim inmates, were forced to sacrifice a proper nutritional and caloric diet in order to adhere to their sincerely-held religious beliefs.

95. Upon information and belief, other inmates on religious diets, menus or meal plans are not forced to consume such a significantly reduced number of calories or sacrifice a proper nutritional diet.

96. Defendants, via the Ramadan Policy, have subjected and in the future will continue to subject Plaintiffs and other Muslim inmates with a religious basis for participating in the Ramadan fast to cruel and unusual punishment, distinctive and disparate treatment, and less than equal terms than inmates of other faith backgrounds by denying them a proper nutritional and caloric diet on a daily basis.

97. Defendants, via the Ramadan Policy, have subjected and imposed a substantial burden upon the rights of Plaintiffs and other Muslim inmates to the free exercise of religion, and discriminated against Plaintiffs on the basis of religion or religious denomination in violation of, among other laws, RLUIPA. 42 U.S.C. § 2000cc(b)(2).

98. Defendants are capable of providing Plaintiffs and other Muslim inmates with a proper caloric and nutritional diet because they provide other inmates at the Riverside facilities with a proper caloric and nutritional diet.

99. The substantial burden that the Defendants, via the Ramadan Policy, imposed on Plaintiffs and other Muslim inmates participating in the Ramadan fast is not necessary, nor the least

restrictive means, to achieve any compelling state interest.

The Impact of Riverside's Ramadan Policy on the Plaintiffs' Health

100. As discussed above, upon information and belief, the meals provided to the Plaintiffs during Ramadan 2018 did not and do not meet the minimum requirements that all inmates receive a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during Ramadan.

101. In the case of Plaintiff Mayo, the Defendants did not provide him with any food at all for approximately the last 15 days of Ramadan 2018.

102. In order to sustain himself, he and his cellmate Plaintiff Young, shared the Ramadan meals that were provided to Plaintiff Young, although this was a violation of Defendants' policy.

103. As a result, Plaintiff Young received substantially less than the already deficient meals being provided by Defendants. Due to Plaintiff Young's generosity, Plaintiff Mayo was able to eat more than the nothing Defendants were providing – but far short of a balanced nutritional diet.

104. Moreover, Plaintiffs Young, Robertson and Horton were provided with at most two "cold meals" and one "hot meal" during the month of Ramadan 2018. On the days breakfast came late, they only received one "cold meal" and one "hot meal." Meanwhile, other inmates at the same facility received two "hot meals" and one "cold meal" each day.

105. In accordance with Riverside Policy Directive 16.01.003, Inmate Rights and Grievances, the Plaintiffs submitted multiple grievances regarding the lack of adequate meals, the temperature of the meals, and the tardiness of the morning meals that were consistently brought after sunrise such that the Plaintiffs could not eat those meals.

106. As a result of Defendants' actions described above, Plaintiffs suffered irreparable harm to their health, including malnutrition, starvation, weight loss, hunger pangs, headaches, and dizziness, among other things.

107. Each of the Plaintiffs exhausted their grievances, and each of the Plaintiffs' grievances were denied.

Riverside Made an Unlawful Determination Regarding the Sufficiency of Plaintiff Young and Plaintiff Robertson's Religious Beliefs

108. Separately from Ramadan, Plaintiffs have sincere religious beliefs that prohibit the consumption of certain foods, including pork. In accordance with their sincerely-held religious beliefs that they must refrain from eating pork products and are permitted to only eat meat that is halal, i.e. meat that is Islamically permissible, Plaintiffs Young and Robertson each submitted requests to eat from the common fare meals.

109. The common fare meals are meals that are provided to inmates that request religious diets and are prepared in a manner so as to comply with all religious diets – the meals contain no pork or pork derivatives and are served with utensils that have not come in contact with pork or pork derivatives.

110. In order to assess their eligibility for the common fare meals, Defendant Gray administered a test that consisted of questions regarding Mr. Young and Mr. Robertson's religious beliefs and practices.

111. The test included questions regarding the core beliefs of their Islamic faith and how they practice their faith on a daily basis.

112. Defendant Gray graded their tests and made the determination that Mr. Young passed the test and Mr. Robertson failed the test.

113. In other words, Defendant Gray made the determination that Mr. Robertson is not a sincere practicing Muslim and therefore is not entitled to the common fare menu or a religious diet.

114. In accordance with Riverside Policy Directive 16.01.003, Inmate Rights and Grievances, Plaintiff Robertson exhausted his administrative remedies.

115. Defendants' common fare diet policy operates as a state establishment of religious orthodoxy, imposes a substantial burden upon the Plaintiffs' rights to free exercise of religion, and discriminates against Plaintiffs and other Muslim prisoners similarly situated on the basis of religion or religious denomination in violation of RLUIPA and the First and Fourteenth Amendments to the United States Constitution.

COUNT I

Violation of the First and Fourteenth Amendments to the United States Constitution (Establishment Clause)

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

117. The Establishment Clause of the First Amendment of the Constitution of the United States provides, "Congress shall make no law respecting an establishment of religion." The Establishment Clause applies with full force and effect to the acts of state and local government entities and officials pursuant to the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution.

118. While the neutral provision of religious programming is an appropriate educational offering and accommodation of inmates' religious beliefs, Riverside Regional Jail's inadequate religious programming for Muslim inmates reflects the facility's preference for Christianity and overall discriminatory approach.

119. By contracting with Good News, preferring Good News and Christian instruction over all other faiths, and providing Good News with substantial authority over the religious operations of the Riverside jail, Defendants have violated and continue to violate the Establishment Clause.

120. Defendants' sponsorship and support of Good News programming, including the creation and establishment of the Life Learning Program and the God Pod, has the primary effect of

advancing religion. Government resources are being used to support a pervasively religious program through the segregation and indoctrination of Christian inmates.

121. Defendants' sponsorship and support of Good News programming, including the creation and establishment of the Life Learning Program and the God Pod, coerces and incentivizes inmates to participate in Christian instruction. Inmates not participating in the Life Learning Program or the God Pod receive far fewer benefits and privileges, solely on the basis of their espoused faith. Good News programming defines the recipients of government benefits, including access to books, classes, and writing utensils, by reference to religion. Defendants provide no comparable sponsorship or support of instruction from other faiths, including Islam.

122. Defendants' sponsorship and support of Good News programming conveys to reasonable observers a message of endorsement of the specific form of Christianity taught by the Good News, and a message of disfavor of other faiths including Islam.

123. Defendants closely cooperate and coordinate with Good News employees and volunteers with respect to religious programming in the Riverside facility including the God Pod. The Good News program has thereby resulted in excessive government entanglement with religion.

124. To the extent Good News or its employees and volunteers controls all religious programming across Defendants' facilities, or administrative operations of the God Pod, Defendants have impermissibly delegated government power and decision-making to a religious organization.

125. By violating the Establishment Clause as set forth above, the defendants have, under color of statute, ordinance, regulation, custom, and/or usage, deprived Plaintiffs of rights secured by the First and Fourteenth Amendments of the U.S. Constitution, entitling Plaintiffs to relief under 42 U.S.C. § 1983.

WHEREFORE, Plaintiffs request this Honorable Court grant monetary, declaratory and injunctive relief in the form requested in the Prayer for Relief below. Further, Plaintiffs request

compensatory and punitive damages against the Defendants sued in their individual capacity, only, plus all such other relief this Court deems just and proper including costs and attorneys' fees incurred in this action.

COUNT II

Violation of Religious Land Use and Institutionalized Persons Act **(Religious Exercise – Islamic Instruction)**

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

127. Plaintiffs espouse sincere beliefs in Islam, and desire to receive religious instruction and materials.

128. Defendants have arbitrarily and unjustly established an Islamic classes policy that prohibits Plaintiffs and other similarly situated Muslims from attending classes that teach the Islamic faith.

129. Defendants' denial of Plaintiffs' access to classes and materials for Islamic religious instruction imposes a substantial burden on Plaintiffs' and other similarly situated Muslims' exercise of religion.

130. Defendants have not established a religious classes policy that prohibits inmates of other faiths from attending classes that teach their faith.

131. Defendants have deprived and continue to deprive Plaintiffs of their right to the free exercise of religion 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 unconstitutional, discriminatory, and unwarranted Islamic instruction policies that substantially burden Plaintiffs' religious exercise.

132. Defendants lack any compelling governmental interest in depriving Plaintiffs of Islamic instruction, particularly when comparable, and in actuality far more extensive, religious instruction is provided to Christian inmates.

133. Defendants' policies and practices of limiting Plaintiffs' and other similarly situated Muslim inmates' access to Islamic instruction is not the least restrictive means of fulfilling a compelling governmental interest.

134. Defendants' religious instruction policies treat Plaintiffs and other Muslim inmates on discriminatory and less than equal terms with other religious and non-religious prisoners in Riverside, in violation of RLUIPA.

135. Plaintiffs are entitled to a declaration that the above-described policies are a substantial burden to the free exercise of Plaintiffs' religion, is not justified by a compelling government interest, discriminates on the basis of religion, and is in violation of RLUIPA.

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

137. By violating RLUIPA as set forth above, the defendants have, under color of statute, ordinance, regulation, custom, and/or usage, deprived Plaintiffs of rights secured by federal law, entitling Plaintiffs to relief under 42 U.S.C. § 1983.

WHEREFORE, Plaintiffs request this Honorable Court grant monetary, declaratory and injunctive relief in the form requested in the Prayer for Relief below. Further, Plaintiffs request compensatory and punitive damages against the Defendants sued in their individual capacity, only, plus all such other relief this Court deems just and proper including costs and attorneys' fees incurred in this action.

COUNT III

Violation of the Eighth and Fourteenth Amendments
to the United States Constitution
(Cruel and Unusual Punishment)

138. Plaintiffs hereby reallege and incorporate by reference the foregoing paragraphs of this

Amended Complaint as if fully set forth herein.

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

140. Under the Eighth Amendment, prisoners have the right to be free from cruel and unusual punishment.

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

142. Upon information and belief, the Ramadan Policy does not provide Plaintiffs or Muslim inmates who observe the holy fast during Ramadan, a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during Ramadan.

143. Upon information and belief, the daily caloric intake under the Ramadan Policy ranges from approximately 1,400 calories to approximately 1,700 calories, on any given day during Ramadan.

144. Additionally, for 20 of the 30 days of Ramadan, Plaintiffs Young, Robertson and Horton received even less as a result of their morning meals being delivered after sunrise such that they were forced to forego those meals in accordance with their sincerely-held religious beliefs.

145. Even worse, Plaintiff Mayo did not receive any meals at all during approximately the last half of Ramadan that he was required to fast in accordance with his sincerely-held religious beliefs upon his conversion to Islam.

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

147. Specifically, Defendants, acting under color of law, owed Plaintiffs the duty to provide

them with adequate meals that comport with required nutritional and caloric standards.

148. Defendants' deprivation of a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during Ramadan is objectively sufficiently serious in that it fails to provide Plaintiffs adequate food (i.e. a humane condition of confinement).

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

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

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

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

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

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

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

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

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

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

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

159. As a direct and proximate result of these policies, practices and customs, Plaintiffs were and in the future will continue to be forced to choose on a daily basis during the month of Ramadan whether to adhere to their sincerely-held religious beliefs or sacrifice their basic nutritional needs.

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

161. Upon information and belief, it is unlikely that this case will be resolved before Ramadan 2019 commences.

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

163. Plaintiffs are entitled to a declaration that the Ramadan Policy is a violation of Plaintiffs' Eighth Amendment right to be free from cruel and unusual punishment.

164. Plaintiffs are entitled to injunctive relief as described in the Prayer for Relief below, including enjoining Defendants from denying Plaintiffs a proper caloric and nutritional diet on any

given day.

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

166. By violating the Eighth Amendment as set forth above, the defendants have, under color of statute, ordinance, regulation, custom, and/or usage, deprived Plaintiffs of rights secured by the U.S. Constitution, entitling Plaintiffs to relief under 42 U.S.C. § 1983.

WHEREFORE, Plaintiffs request this Honorable Court grant monetary, declaratory and injunctive relief in the form requested in the Prayer for Relief below. Further, Plaintiffs request compensatory and punitive damages against the Defendants sued in their individual capacity, only, plus all such other relief this Court deems just and proper including costs and attorneys' fees incurred in this action.

COUNT IV

Violation of Religious Land Use and Institutionalized Persons Act **(Religious Exercise – Ramadan Meals)**

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

168. Plaintiffs espouse sincere beliefs in Islam, including a belief in fasting between sunrise and sunset during the month of Ramadan.

169. Defendants have arbitrarily and unjustly established a Ramadan Policy which fails to provide Plaintiffs, and other similarly situated Muslim inmates, with a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during Ramadan.

170. Defendants have regularly failed to provide Plaintiffs, and other similarly situated Muslim inmates, with a pre-dawn breakfast during Ramadan.

171. Defendants have failed to provide Plaintiff Mayo, and other similarly-situated Muslim inmates, with religious meals during Ramadan at all.

172. Upon information and belief, it is unlikely that this case will be resolved before Ramadan 2019 commences.

173. Defendants' Ramadan Policy, whereby Defendants do not provide Plaintiffs observing the Ramadan fast with a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day in Ramadan, imposes a substantial burden on Plaintiffs' and other similarly situated Muslims' exercise of religion.

174. Defendants lack any compelling governmental interest in depriving Plaintiffs, and other similarly situated Muslim inmates, of a balanced nutritional diet containing between 2,600 and 2,800 calories during Ramadan.

175. Defendants' policies and practices of failing to provide Plaintiffs' and other similarly situated Muslim inmates' access with a balanced nutritional diet containing between 2,600 and 2,800 calories is not the least restrictive means of fulfilling a compelling governmental interest.

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

177. Defendants' Ramadan Policy fails to provide equivalent nutrition and thus treats Plaintiffs and other Muslim inmates on discriminatory and less than equal terms with other religious and non-religious prisoners in Riverside, in violation of RLUIPA.

178. Defendants' Ramadan Policy has caused and will continue to cause Plaintiffs harm because it forces them to choose, on a daily basis during Ramadan, between violating their core religious beliefs (i.e. fasting during the month of Ramadan) and waiving their right to receiving a menu that meets minimum nutritional standards.

179. Defendants have deprived and continue to deprive Plaintiffs of their right to the free

exercise of religion 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 an unconstitutional, discriminatory, and unwarranted Ramadan Policy that substantially burdens Plaintiffs' religious exercise.

180. Plaintiffs are entitled to a declaration that the above-described Ramadan Policy imposes a substantial burden on the free exercise of Plaintiffs' religion, is not justified by a compelling government interest, discriminates on the basis of religion, fails to accommodate Plaintiffs on equal terms, and is in violation of RLUIPA.

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

182. By violating RLUIPA as set forth above, the defendants have, under color of statute, ordinance, regulation, custom, and/or usage, deprived Plaintiffs of rights secured by federal law, entitling Plaintiffs to relief under 42 U.S.C. § 1983.

WHEREFORE, Plaintiffs request this Honorable Court grant monetary, declaratory and injunctive relief in the form requested in the Prayer for Relief below. Further, Plaintiffs request compensatory and punitive damages against the Defendants sued in their individual capacity, only, plus all such other relief this Court deems just and proper including costs and attorneys' fees incurred in this action.

COUNT V

Violation of Religious Land Use and Institutionalized Persons Act **(Religious Exercise – Common Fare Meals Eligibility)**

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

184. Plaintiffs espouse sincere beliefs in Islam, including a religious prohibition on

consuming pork.

185. Defendants have a process and policy for providing religious inmates with common fare meals which satisfy religious dietary restrictions.

186. Defendants have arbitrarily and unjustly established a common fare meal policy which requires Plaintiffs, and other similarly situated Muslim inmates, to submit to a test regarding their knowledge of and adherence to Islamic beliefs.

187. Based on the answers Plaintiffs, and other similarly situated Muslim inmates, provide on that test, Defendants grade the test and use the score as the basis to determine an inmate's eligibility for common fare meals.

188. Based on his answers to Defendants' religious test, Defendants have deemed Plaintiff Robertson to be insufficiently Muslim and have denied him access to the common fare meals which satisfy his religious dietary restrictions.

189. Upon information and belief, other Muslim inmates have been denied participation in the common fare meal program based on Defendants' determination that their Muslim beliefs are inadequate, ill-informed, unorthodox, or otherwise insufficiently sincere.

190. Defendants' common fare policies, whereby Defendants require Plaintiffs and other inmates to submit to a religious test, imposes a substantial burden on their exercise of religion.

191. An individual's exercise of religion is substantially burdened when the government conducts an intrusive inquiry into a person's religious beliefs as a component of official government action. Such inquiries place pressure on the person to modify or violate their beliefs, and singles them out for disfavored treatment. As the Supreme Court once recognized (with an analysis that applies with greater force under RLUIPA), "It is not only the conclusions that may be reached by the [Government] which may impinge on rights guaranteed by the Religion Clauses, but also the very process of inquiry leading to findings and conclusions." *N.L.R.B. v. Catholic Bishop of Chicago*, 440 U.S.

490, 502 (1979). A Supreme Court plurality later recognized that government action which requires “inquiry into the recipient's religious views” including details of how “sectarian” those views are “is not only unnecessary but also offensive. It is well established, in numerous other contexts, that courts should refrain from trolling through a person’s or institution’s religious beliefs.” *Mitchell v. Helms*, 530 U.S. 793, 828 (2000). As the Supreme Court explained in *Thomas v. Review Bd. Of Ind.*, 450 U.S. 707, 715-16 (1981): “[T]he guarantee of free exercise is not limited to beliefs which are shared by all of the members of a religious sect. Particularly in this sensitive area, it is not within the judicial function and judicial competence to inquire whether the petitioner or his fellow worker more correctly perceived the commands of their common faith. Courts are not arbiters of scriptural interpretation.” The same restrictions which apply to judicial evaluation of faith tenets also restrict executive, administrative, or prison official’s evaluations, such as the test imposed by Defendants at Riverside.

192. Defendants’ requirement that Plaintiffs must take, and “pass” a religiosity test in order to be eligible for the common fare diet imposes a substantial burden on Plaintiffs’ and other similarly situated Muslims’ exercise of religion.

193. Defendants’ common fare policies, whereby Defendants deny inmates including Plaintiff Robertson access to common fare meals which comply with their religious dietary restrictions, imposes a substantial burden on their exercise of religion.

194. Defendants lack any compelling governmental interest in conducting a religious test as a condition of eligibility for common fare meals.

195. Defendants lack any compelling governmental interest in depriving Plaintiff Robertson, and other similarly situated Muslim inmates, of common fare meals which satisfy their religious dietary restrictions.

196. Defendants’ policies and practices of failing to provide Plaintiffs’ and other similarly situated Muslim inmates’ with access common fare meals which satisfy their religious dietary

restrictions.

197. Upon information and belief, Defendants' common fare meal policy is administered in a discriminatory manner or on less than equal terms to professed Muslims, as opposed to inmates espousing other religious dietary restrictions, in violation of RLUIPA.

198. Defendants' common fare religious test and eligibility polices has caused and will continue to cause Plaintiffs and other similarly situated Muslim inmates harm because it forces them to choose, potentially on a daily basis, between violating their core religious beliefs (i.e. not consuming pork or religiously prohibited items) and adequate nutrition.

199. Defendants have deprived and continue to deprive Plaintiffs of their right to the free exercise of religion 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 an unconstitutional, discriminatory, and unwarranted common fare meal eligibility policy that substantially burdens Plaintiffs' religious exercise.

200. Plaintiffs are entitled to a declaration that the above-described common fare meal eligibility policy imposes a substantial burden on the free exercise of Plaintiffs' religion, is not justified by a compelling government interest, discriminates on the basis of religion, fails to accommodate Plaintiffs on equal terms, and is in violation of RLUIPA.

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

202. By violating RLUIPA as set forth above, the defendants have, under color of statute, ordinance, regulation, custom, and/or usage, deprived Plaintiffs of rights secured by federal law, entitling Plaintiffs to relief under 42 U.S.C. § 1983.

WHEREFORE, Plaintiffs request this Honorable Court grant monetary, declaratory and

injunctive relief in the form requested in the Prayer for Relief below. Further, Plaintiffs request compensatory and punitive damages against the Defendants sued in their individual capacity, only, plus all such other relief this Court deems just and proper including costs and attorneys' fees incurred in this action.

COUNT VI

Violation of the First and Fourteenth Amendments to the United States Constitution (Free Exercise of Religion)

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

204. The Free Exercise Clause of the United States Constitution provides: "Congress shall make no law ... prohibiting the free exercise [of religion]." The Free Exercise Clause applies with full force and effect to the acts of state and local government entities and officials pursuant to the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution.

205. Each of the foregoing RLUIPA claims (Counts II, IV, and V) are also actionable under the Free Exercise Clause, because Defendants' actions reflect imposition of substantial religious burdens, as well as official policies and practices of non-neutrality, upon Plaintiffs and similarly situated Muslim inmates.

206. Defendants have arbitrarily and unjustly established an Islamic instruction policy that prohibits Plaintiffs and other similarly situated Muslims from attending classes that teach their Islamic faith. Defendants' Islamic instruction policy, in addition to the above-mentioned unlawful actions, causes and continues to cause Plaintiffs and other similarly situated Muslim inmates harm because it forces them to forego religious practice and sacrifice their core sincerely-held religious beliefs. Meanwhile, Christians are provided with extensive instruction and religious programming, including

through Defendants' support for and establishment of a "God Pod." Defendants have not established a religious services policy that prohibits inmates of other faiths from participating in Good News classes that teach the Christian faith.

207. Defendants have established a Ramadan Policy which fails to provide fasting Muslim inmates with a balanced nutritional diet between 2,600 and 2,800 calories each day during Ramadan. Defendants' Ramadan Policy, in addition to the above-mentioned unlawful actions, caused and will continue to cause Plaintiffs and other similarly situated Muslim inmates harm because it forces them to choose, on a daily basis during Ramadan, between violating their core religious beliefs (i.e. fasting from sunrise to sunset) and waiving their right to receiving a menu that meets minimum nutritional standards. Meanwhile, other religious and non-religious inmates during Ramadan are provided with balanced nutritional meals.

208. Defendants have established a common fare meal eligibility policy which requires Muslim inmates to a religious test, which Defendants grade in order to determine their eligibility for the common fare religious diet. Defendants' common fare meal eligibility policy, in addition to the above-mentioned unlawful actions, causes and continues to cause Plaintiffs and other similarly situated Muslim inmates harm because it forces them to submit to intrusive inquiry regarding their religious beliefs. It further causes and continues to cause Plaintiffs and other similarly situated Muslim inmates harm because the denial of eligibility forces them to choose, on a potentially daily basis, between violating their core religious beliefs (i.e. not consuming pork) and adequate nutrition. Meanwhile, other inmates with religious dietary restrictions are subject to less onerous religious tests, or deemed in satisfaction of the improper religious tests, and are thus able to eat the common fare meals which satisfy their religious dietary restrictions.

209. Defendants Islamic instruction, Ramadan meal, and common fare meal policies chill Plaintiffs' and other similarly situated Muslim inmates right to free exercise of religion.

210. Defendants Islamic instruction, Ramadan meal, and common fare meal policies impose substantial burdens on Plaintiffs' and other similarly situated Muslim inmates right to free exercise of religion.

211. Imposition of such burdens are not in furtherance of a compelling government interest and are not the least restrictive means of furthering any governmental interest, compelling or otherwise.

212. Plaintiffs are entitled to a declaration that the above-described policies are a substantial burden to the free exercise of Plaintiffs' religion, are not justified by a compelling government interest, and are in violation of Plaintiffs' First and Fourteenth Amendment rights to their free exercise of religion.

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

214. By violating the Free Exercise Clause as set forth above, the defendants have, under color of statute, ordinance, regulation, custom, and/or usage, deprived Plaintiffs of rights secured by the U.S. Constitution, entitling Plaintiffs to relief under 42 U.S.C. § 1983.

WHEREFORE, Plaintiffs request this Honorable Court grant monetary, declaratory and injunctive relief in the form requested in the Prayer for Relief below. Further, Plaintiffs request compensatory and punitive damages against the Defendants sued in their individual capacity, only, plus all such other relief this Court deems just and proper including costs and attorneys' fees incurred in this action.

COUNT VI

Violation of the First and Fourteenth Amendments
to the United States Constitution
(Equal Protection)

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

216. The Fourteenth Amendment's Equal Protection Clause provides that "No state shall ... deny to any person within its jurisdiction the equal protection of the laws." Equal protection asks whether Government action adversely affects a "suspect class," such as by drawing distinctions based on race, ethnicity, national origin, or religion. *See, e.g., Harbin-Bey v. Rutter*, 420 F.3d 571, 576 (6th Cir. 2005). Religious distinctions are "inherently suspect." *City of New Orleans v. Duke*, 166 427 U.S. 297, 303 (1976).

217. Defendants have arbitrarily and unjustly established an Islamic instruction policy that prohibits Plaintiffs and other similarly situated Muslims from attending classes that teach their Islamic faith. Defendants' Islamic instruction policy, in addition to the above-mentioned unlawful actions, causes and continues to cause Plaintiffs and other similarly situated Muslim inmates harm because it forces them to forego religious practice and sacrifice their core sincerely-held religious beliefs. Meanwhile, Christians are provided with extensive instruction and religious programming, including through Defendants' support for and establishment of a "God Pod." Defendants have not established a religious services policy that prohibits inmates of other faiths from participating in Good News classes that teach the Christian faith.

218. Defendants have established a Ramadan Policy which fails to provide fasting Muslim inmates with a balanced nutritional diet between 2,600 and 2,800 calories each day during Ramadan. Defendants' Ramadan Policy, in addition to the above-mentioned unlawful actions, caused and will continue to cause Plaintiffs and other similarly situated Muslim inmates harm because it forces them to choose, on a daily basis during Ramadan, between violating their core religious beliefs (i.e. fasting from sunrise to sunset) and waiving their right to receiving a menu that meets minimum nutritional standards. Meanwhile, other religious and non-religious inmates during Ramadan are provided with

balanced nutritional meals.

219. Defendants have established a common fare meal eligibility policy which requires Muslim inmates to a religious test, which Defendants grade in order to determine their eligibility for the common fare religious diet. Defendants' common fare meal eligibility policy, in addition to the above-mentioned unlawful actions, causes and continues to cause Plaintiffs and other similarly situated Muslim inmates harm because it forces them to submit to intrusive inquiry regarding their religious beliefs. It further causes and continues to cause Plaintiffs and other similarly situated Muslim inmates harm because the denial of eligibility forces them to choose, on a potentially daily basis, between violating their core religious beliefs (i.e. not consuming pork) and adequate nutrition. Meanwhile, other inmates with religious dietary restrictions are subject to less onerous religious tests, or deemed in satisfaction of the improper religious tests, and are thus able to eat the common fare meals which satisfy their religious dietary restrictions.

220. Defendants' policies make suspect designations on the basis of religion. Defendants' policies treat Plaintiffs and similarly situated Muslim inmates on less than equal terms with other religious and non-religious prisoners in Riverside, thereby creating a denominational preference for Christianity and against Islam as a religion.

221. Defendants have imposed onerous restrictions on Plaintiffs that have not been imposed on prisoners of other faiths at Riverside.

222. Defendants have deprived and continue to deprive Plaintiffs and other Muslim inmates of their right to equal protection of the laws as secured by the Fourteenth Amendment to the United States Constitution, by imposing and implementing policies in a manner that discriminates against them on the basis of religion.

223. The restrictions imposed on Plaintiffs are unconstitutional and have deprived them of the equal protection of federal law and constitutional guarantees.

224. Defendants’ Islamic instruction, Ramadan, and common fare policies lack a compelling government interest and are not the least restrictive means of furthering any governmental interest, compelling or otherwise.

225. Plaintiffs are entitled to a declaration that the above-described policies are religious suspect, are not justified by a compelling government interest, and are in violation of Plaintiffs’ Fourteenth Amendment right to equal protection of the laws.

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

227. By violating the Equal Protection Clause as set forth above, the defendants have, under color of statute, ordinance, regulation, custom, and/or usage, deprived Plaintiffs of rights secured by the U.S. Constitution, entitling Plaintiffs to relief under 42 U.S.C. § 1983.

WHEREFORE, Plaintiffs request this Honorable Court grant monetary, declaratory and injunctive relief in the form requested in the Prayer for Relief below. Further, Plaintiffs request compensatory and punitive damages against the Defendants sued in their individual capacity, only, plus all such other relief this Court deems just and proper including costs and attorneys’ fees incurred in this action.

COUNT VII

Violation of Article I Section 16
to the Virginia Constitution
(Free Exercise, Religious Tests, and Religious Establishments)

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

229. The Virginia Constitution, Article 1 Section 16, provides: “That religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and

conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess and by argument to maintain their opinions in matters of religion, and the same shall in nowise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.”

230. Virginia constitutional claims under this section are analyzed comparably to religion clause claims under the U.S. Constitution’s First Amendment.

231. Each of the facts underlying the foregoing First Amendment and RLUIPA claims (Counts I, II, IV, V, and VI) are also actionable under Virginia’s constitutional guarantees related to religion.

232. Defendants have arbitrarily and unjustly established an Islamic instruction policy that prohibits Plaintiffs and other similarly situated Muslims from attending classes that teach their Islamic faith. Defendants’ Islamic instruction policy, in addition to the above-mentioned unlawful actions, causes and continues to cause Plaintiffs and other similarly situated Muslim inmates harm because it forces them to forego religious practice and sacrifice their core sincerely-held religious beliefs. Meanwhile, Christians are provided with extensive instruction and religious programming, including

through Defendants' support for and establishment of a "God Pod." Defendants have not established a religious services policy that prohibits inmates of other faiths from participating in Good News classes that teach the Christian faith.

233. Defendants have established a Ramadan Policy which fails to provide fasting Muslim inmates with a balanced nutritional diet between 2,600 and 2,800 calories each day during Ramadan. Defendants' Ramadan Policy, in addition to the above-mentioned unlawful actions, caused and will continue to cause Plaintiffs and other similarly situated Muslim inmates harm because it forces them to choose, on a daily basis during Ramadan, between violating their core religious beliefs (i.e. fasting from sunrise to sunset) and waiving their right to receiving a menu that meets minimum nutritional standards. Meanwhile, other religious and non-religious inmates during Ramadan are provided with balanced nutritional meals.

234. Defendants have established a common fare meal eligibility policy which requires Muslim inmates to a religious test, which Defendants grade in order to determine their eligibility for the common fare religious diet. Defendants' common fare meal eligibility policy, in addition to the above-mentioned unlawful actions, causes and continues to cause Plaintiffs and other similarly situated Muslim inmates harm because it forces them to submit to intrusive inquiry regarding their religious beliefs. It further causes and continues to cause Plaintiffs and other similarly situated Muslim inmates harm because the denial of eligibility forces them to choose, on a potentially daily basis, between violating their core religious beliefs (i.e. not consuming pork) and adequate nutrition. Meanwhile, other inmates with religious dietary restrictions are subject to less onerous religious tests, or deemed in satisfaction of the improper religious tests, and are thus able to eat the common fare meals which satisfy their religious dietary restrictions.

235. Defendants' foregoing actions violate Virginia's constitutional prohibitions against religious coercion, religious tests, and religious establishments.

236. Plaintiffs are entitled to a declaration that the above-described policies are a substantial burden to the free exercise of Plaintiffs' religion, are not justified by a compelling government interest, and are in violation of Plaintiffs' First and Fourteenth Amendment rights to their free exercise of religion.

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

WHEREFORE, Plaintiffs request this Honorable Court grant monetary, declaratory, and injunctive relief in the form requested in the Prayer for Relief below. Further, Plaintiffs request compensatory and punitive damages against the Defendants sued in their individual capacity, only, plus all such other relief this Court deems just and proper including costs and attorneys' fees incurred in this action.

Prayer for Relief

WHEREFORE, Plaintiffs request that this Honorable Court enter judgment in their favor and against Defendants on each and every count in this complaint, and grant the following relief:

1. A declaratory judgment that:
 - a. Defendants' policies, practices, and customs violate the First, Eighth and Fourteenth Amendments to the Constitution of the United States, the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), and 42 U.S.C. § 1983;
 - b. Defendants' establishment of a "God Pod" for Christian segregation and religious instruction in conjunction with the Good News organization violates the Establishment Clause;
 - c. Defendants' actions in establishing a pod reserved for Christian lessons and

programming constitutes a violation of the First Amendment to the United States Constitution by unlawfully endorsing Christianity over Islam and other faith backgrounds and creating a chilling effect on Plaintiffs' free exercise of religion;

- d. Defendants' actions in preventing these Plaintiffs and other similarly situated Muslim inmates from attending classes that teach the Islamic faith, constitutes a violation of the First Amendment to the United States Constitution and creates a chilling effect on Plaintiffs' free exercise of religion;
- e. Defendants' denial of Plaintiffs' requests to attend classes that teach the Islamic faith is a substantial burden to the free exercise of Plaintiffs' religion and is not justified by a compelling government interest;
- f. The above-described religious classes policy treats these Plaintiffs and similarly situated Muslim inmates on less than equal terms with other religious and non-religious inmates; and,
- g. Defendants' unique application of the religious classes policy to Plaintiffs, and other Muslim inmates similarly situated, treats these Plaintiffs and Muslim inmates similarly situated on less than equal terms than inmates of other faiths, thereby creating a denominational preference against Islam as a religion.
- h. Defendants' Ramadan Policy constitutes cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution;
- i. Defendants' denial of a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during Ramadan constitutes a violation of the First Amendment to the United States Constitution and creates a chilling effect on Plaintiffs' free exercise of religion;

- j. Defendants' denial of Plaintiffs' request for a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during Ramadan is a substantial burden to the free exercise of Plaintiffs' religion and is not justified by a compelling government interest;
 - k. Defendants' Ramadan Policy treats fasting prisoners on less than equal terms with other religious and non-religious prisoners in the Riverside facilities;
 - l. Defendants' common fare policy imposes an unconstitutional and RLUIPA-violating religious test, and that test is a substantial burden to the free exercise of Plaintiffs' religion and is not justified by a compelling government interest;
 - m. Defendants' common fare policy imposes a substantial burden on Muslim inmates insofar as they cannot eat meals that satisfy their religious dietary restrictions, and the denial of common fare meals is a substantial burden to the free exercise of Plaintiffs' religion and is not justified by a compelling government interest;
2. An injunction that:
- a. Enjoins Defendants from establishing a pod reserved for Christian lessons and programming because it caused and continues to cause Plaintiffs harm because Defendants unlawfully endorsed and promoted Christianity over their religion of Islam and because it chills Plaintiffs' free exercise of religion;
 - b. Enjoins Defendants from denying Plaintiffs, and other Muslim inmates similarly situated, from attending classes that teach the Islamic faith, because Defendants' denial of Muslims from attending classes that teach the Islamic faith caused and continues to cause Plaintiffs harm as it forces them to sacrifice their core sincerely-held religious beliefs;

- c. Requires Defendants to remedy the constitutional and statutory violations identified above, including, but not limited to, eliminating any existing policy whereby Plaintiffs, and other Muslim inmates similarly-situated, are denied from attending classes that teach the Islamic faith;
- d. Enjoins Defendants from denying Plaintiffs a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during Ramadan, because Defendants' denial of the proper caloric and nutritional diet forces Plaintiffs, who have a religious basis for fasting during the month of Ramadan, to choose, on a daily basis, between violating their core religious beliefs (ie: fasting during the month of Ramadan and abstaining from foods that violate their beliefs) and receiving a menu that meets minimum nutritional standards;
- e. Requires Defendants to remedy the constitutional and statutory violations identified above, including, but not limited to, eliminating any existing policy whereby Plaintiffs and other Muslim prisoners, and others similarly-situated, are denied a balanced nutritional diet containing between 2,600 and 2,800 calories on any given day during Ramadan, and;
- f. Requires Defendants to accept the sincerity of Muslim prisoners without conducting a religious test, and thereby provide them access to common fare meals that meet their religious dietary requirements.

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

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

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

JURY DEMAND

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

Respectfully submitted,

Dated: November 21, 2018

CAIR LEGAL DEFENSE FUND

By: /s/ Gadeir I. Abbas

Lena F. Masri (DC # 1000019) β

lmasri@cair.com

Gadeir I. Abbas (VA # 81161) α *

gabbas@cair.com

Carolyn M. Homer (DC # 1049145) §

chomer@cair.com

453 New Jersey Ave., SE

Washington, DC 20003

Phone: (202) 742-6420

Fax: (202) 379-3317

β *EDVA admission pending*

α *Admitted to practice in EDVA*

§ *Pro hac vice admission pending*

* *Licensed in VA, not in D.C.*

Practice limited to federal matters.